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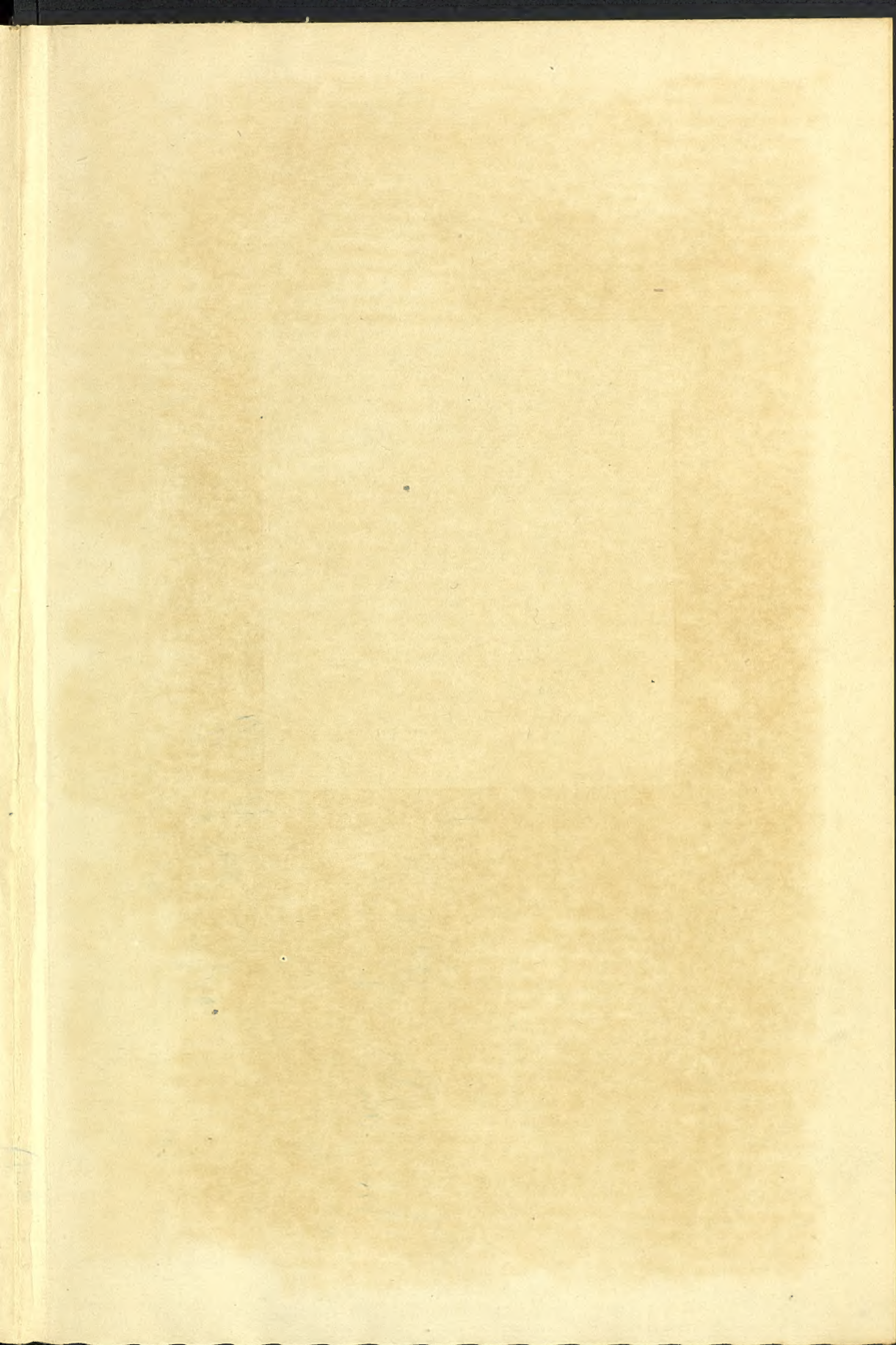
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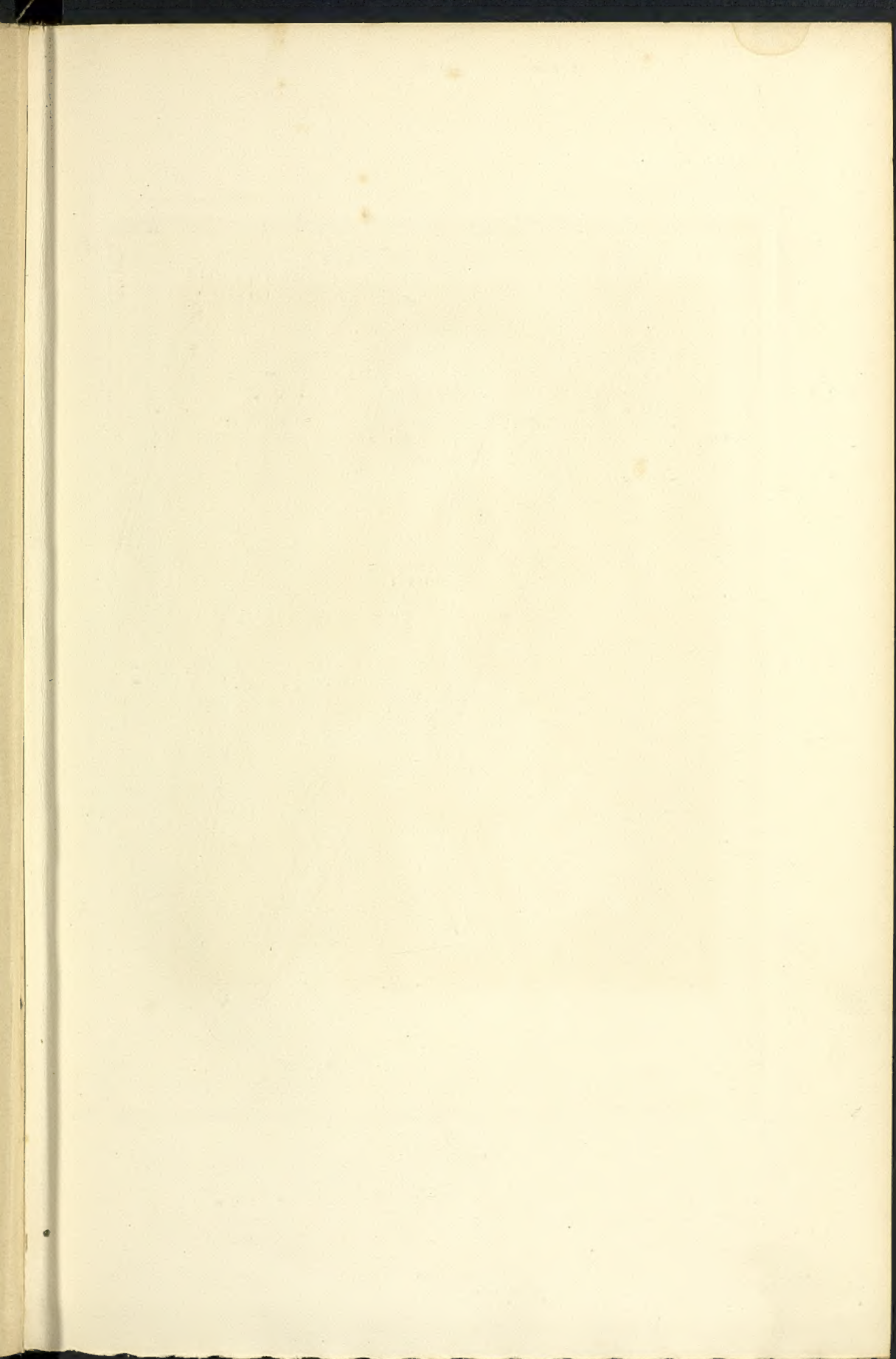
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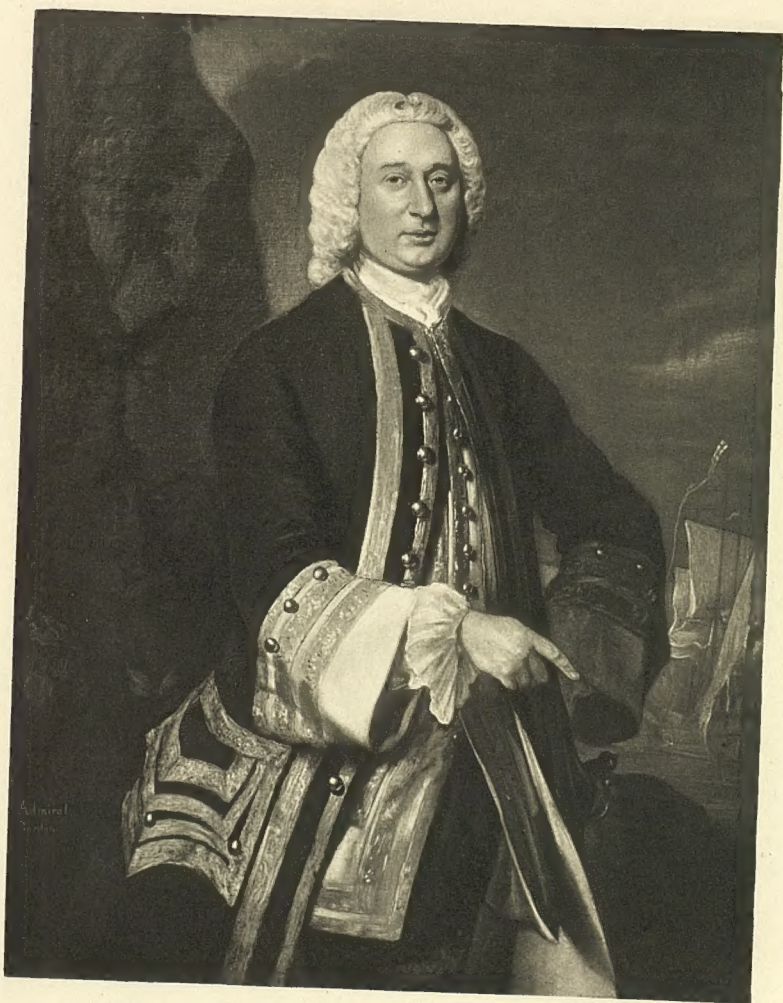
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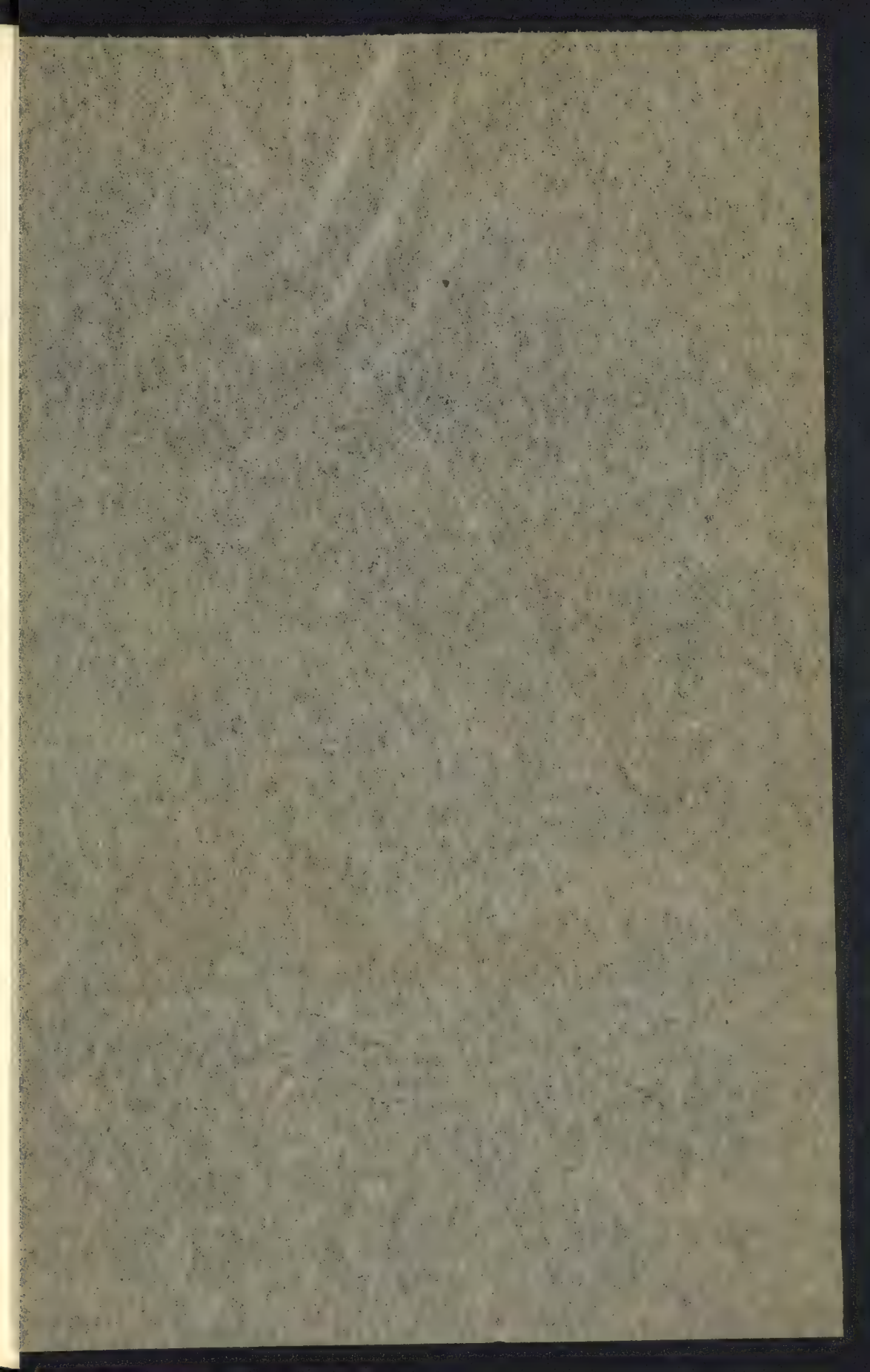
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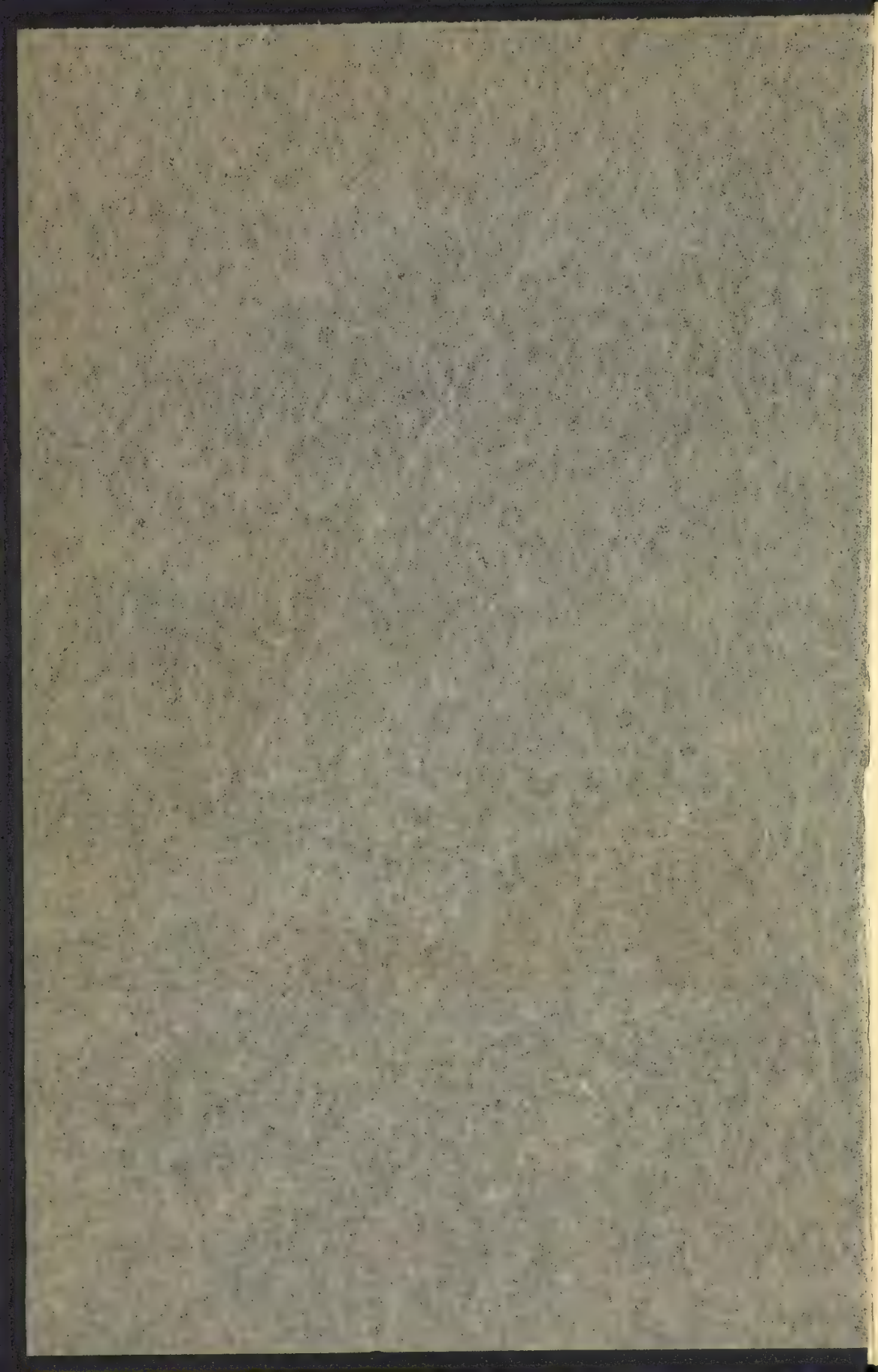
THE OLD SCOTS NAVY
FROM 1689 TO 1710





Admiral Thomas Gordon.
Governor of Kronstadt. Last Commodore of the Old Scots Navy.
FROM THE PORTRAIT BY J. HIGHMORE AT GORDON CASTLE.





The Old Scots Navy

FROM 1689 TO 1710

EDITED BY

JAMES GRANT, LL.B.

COUNTY CLERK OF BANFFSHIRE



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GENERAL INTRODUCTION

THE value of sea power to Scotland with her long and deeply indented coastline, in consolidating her rule and maintaining her independence, and at the same time in protecting a fitfully growing coastwise and oversea commerce was always important. The absence of such power laid her open to the invasions of the Norsemen from the ninth to the thirteenth centuries, when the vikings with their fleets of long boats, propelled by oars and sails, dominated the North Sea, and established a Scandinavian sovereignty over Scotland north of the Moray Firth and over the Western Isles. That sovereignty by the middle of the thirteenth century was getting attenuated. Alexander II of Scotland is represented in the 'Chronicle of Man' as declaring that he would set his standard on the cliffs of Thurso, and reduce under himself all the provinces, which the Norwegian monarch possessed to the westward of the German Ocean. He died at Kerrera near Oban in 1249 while attempting to subdue the Hebrides. His policy, which had developed a measure of sea power, was continued by his son Alexander III; and the semi-independent chiefs of the Western Scottish Isles were being gradually pressed into his allegiance, when their titular sovereign Haco fitted out a naval expedition in 1263, a last effort from Norway to

maintain the Scandinavian hold on Scotland. This contest for empire, however, was not finally fought out at sea. Alexander's fleet was too small to be thus risked. Haco landed his men at Largs in Ayrshire from a fleet much reduced through shipwreck, and the Scots victory was a land one. On the Norwegian King's retreat to Kirkwall, where he died, Alexander drew out his fleet, and conquered the Western Isles and the Isle of Man, thus so far consolidating Scotland; though for long the Scots hold on the Western Isles was precarious and insecure, the island chiefs developing and for long maintaining a semi-independence, which took centuries of naval and military endeavour on the part of the Scottish Kings to subdue.

The long course of intermittent war, from the days of the Bruce to the Union of 1603, against England with her rapidly rising and comparatively powerful fleet, further made naval defence important for Scotland. During the period of the disputed succession to the Scottish throne, and during the war of independence with England there appears little or no trace of a Scots navy. With Scottish independence established King Robert the Bruce turned his attention to the upbuilding of Scots shipping and of a Scots navy. In his later days he more than once visited the Western Isles, which owned only a loose allegiance to him, and established a royal castle at Tarbet in Argyll to overawe the semi-independent Islesmen. The Exchequer Rolls of 1326 record the feudal services of certain of his vassals on the western coast in aiding him with their vessels and crews. Near his palace at Cardross on the Clyde he spent his last days in shipbuilding; and one royal man-of-war of the viking type

at least was equipped by him before he died in 1329.

During the reign of his son David II, when Edward Balliol with the assistance of England attempted to regain the Scottish crown, there was more than one exhibition of the value of sea power. Balliol's invasion in 1332, resulting in the capture of Perth, was opened by the descent of an English fleet on the Forth and Tay. The Scots Government having no effective navy of its own improvised a fleet by hiring the Flemish skippers of Berwick-on-Tweed. An attempt by these privateers to drive off the English failed; and their fleet of ten ships under Captain John Crab was after a general engagement burned. To maintain the balance of power France was called in, and the 'ancient' alliance between France and Scotland was inaugurated in 1338, when Perth was recaptured by the Scots with the help of a French naval squadron and a strong body of men-at-arms from Calais.

With England and Scotland in a chronic state of war maritime capture was of ordinary occurrence. In the reign of Robert II, John Mercer, merchant burgess of Perth, who rose to be an eminent statesman, and who was one of the wealthiest Scots foreign traders of his time, when returning from abroad in 1376 was wrecked on the coast of Northumbria. His merchandise was seized, and he was himself imprisoned. In retaliation his son Andrew next year fitted out a squadron of Scottish, Flemish and French privateers, and attacked and plundered the town of Scarborough. Later in 1377 young Mercer and his fleet were captured by Philpot a London merchant. Retaliatory sea capture in time of truce as well as in time of war, and strong asseverations that

every enemy was a pirate were the order of the day. An entry in the Scots Exchequer Rolls of 1380 bears that the Scots Government that year expended £500 in the purchase and equipment of two ships which put to sea 'contra piratas Anglie et predones.' James I, when prince of Scotland, was captured by the English in 1405 during a time of truce, when on his way to France.

On his return to Scotland in 1424 James gave close attention to the shipping interests of his country. At Leith he established a ship-building yard, a house for marine stores and a workshop; and king's ships were built and equipped there, which were used for trade as well as for war. In 1429 James was amongst the Western Isles with one of his ships curbing his vassals there. In the same year Parliament at Perth enacted a law that each four merk land on the north and west coasts of Scotland within six miles of the sea was, in feudal service to the king, to furnish one oar. This was the nearest approach ever made in Scotland to the ship money of England.

James II, his successor, introduced into Scotland gunpowder and artillery. The use of bombards or cannon as naval armament had in course a great effect in modifying the construction of the old trireme and viking type of war vessel. Vessels were thereafter built with hulls thick enough to resist artillery, and with high forecastles to carry guns. James died in 1460, killed at the siege of Roxburgh Castle by the bursting of a cannon.

During the reigns of James III and James IV the Scots navy probably reached its highest development. The old alliance with France against England continued, and Scots naval

power rose concurrently with the expansion of Scotland's foreign trade and with England's exhaustion through the civil wars of the Roses. The pioneer in Scotland of the newer type of warship was a churchman. The Exchequer Rolls of 1461 make mention of the *St. Salvator*, a great ship built by Bishop Kennedy of St. Andrews for trade and for war purposes at a cost of £10,000. This vessel, the '*navis immanis et fortissima*' of Major the historian, was ultimately lost on the coast of Northumberland. The chief coadjutors, however, of James III and James IV in building up the Scots navy were not dignitaries of the Church, but the merchant skippers of Leith. The Treasurer's Accounts, the Exchequer Rolls, Pitscottie and the Ballads of Scotland tell the story of the prowess at sea of Sir Andrew Wood of Largo, the Bartons, John the father, and Andrew, Robert and John his sons, and William Brounhill all of Leith. In 1473 the King's Carvel, better known as the Yellow Carvel, afterwards associated with the sea victories of Sir Andrew Wood, was under the command of John Barton. In his last struggle with his rebellious nobles in 1488 James III received assistance from his two warships the Flower and Yellow Carvel, then under the command of Sir Andrew Wood; and in his flight from Sauchieburn, he was making for these two vessels, then lying in the Firth of Forth, where he was killed.

James IV continued his father's policy of building up a navy. In the second year of his reign Sir Andrew Wood with his two ships cleared the Scottish seas of English privateers, capturing five and bringing them as prizes into Leith. That same year, 1489, Lutkyn Mere, a Danish pirate who had long infested the North Sea, was captured

and hanged with his crew. In 1490 the King of England by way of reprisal against Wood fitted out three privateers under Stephen Bull; but after a running fight from the Forth to the Tay, graphically described by Pitscottie, Bull and his three ships were captured by Sir Andrew Wood. This naval engagement, the authenticity of which is doubted by some modern authorities, is sometimes put as late as 1504. It is certain that in 1491 Sir Andrew Wood, who had obtained a royal licence to erect a fortalice at Largo in Fife, employed English captives on the work. Besides making naval reprisals Henry VII of England played the diplomatic game of fomenting the semi-independent Lord of the Isles and the Islesmen to throw off the sovereignty of the King of Scotland, with such success that in 1493, 1494, 1495 and 1498 James made at least four expeditions to the western seas to secure the doubtful allegiance of the Island chiefs. In 1494 he was convoyed by the Christopher man-of-war and other ships, and minute accounts are given in the Treasurer's Accounts of a large row barge and two smaller vessels built at Dumbarton to curb the Islesmen. In the expedition of 1495 the King was accompanied by Sir Andrew Wood in the Flower.

The romantic episode in Scots history of Perkin Warbeck, which commenced with the arrival in Scotland of that impostor in November, 1495, and his recognition by King James as Duke of York, after an ineffectual invasion of England flickered out in July, 1497, when the adventurer left Ayr for Cork in Ireland, on board the Cuckoo hired by King James from Andrew Barton and commanded by Robert Barton. Most notable of the Bartons in the annals of the Scots navy was Andrew. In reprisal for the seizure

of his father's ship in 1476 by the Flemish, he is said to have received letters of marque in 1506 from King James, and to have preyed on their commerce in the English Channel. In 1508 he was sent by the Government of Scotland to assist the King's relation, Hans of Denmark, against Lubeck. In 1509 and 1510 Hans had the assistance of Robert Barton, who returned to Scotland on 4th September, 1510, with an urgent request to James to send more ships and men to the assistance of his Danish ally. Early in 1511 Andrew Barton was again sent to Copenhagen, probably with his two ships the *Lion* and the *Jenny Pirwin*; and on 2nd August that year, in a memorable and stubborn fight in the English Downs, Barton was slain, and his two ships captured by Sir Edward Howard and transferred to the English navy.

In the legislation of the Scots Parliaments of 1493 and 1503 requiring all sea-board burghs to keep 'busches' of 20 tons to be manned by idle able-bodied men, James and the Estates had not only the improvement of the fisheries in view, but the manning of the mercantile marine and the navy. The Treasurer's Accounts and the Exchequer Rolls afford ample evidence of King James's activity in building ships for his navy. There has been noted already his building a large row barge and two smaller boats at Dumbarton in 1494. The timber used in that work was from the shores of Loch Lomond, and the iron work was mostly from Leith. His greatest achievement was the construction, in 1511, of the *St. Michael*, the largest ship up to that time launched in Scotland, the building of which cost £30,000 and cumbered all Scotland. This war-ship, 240 feet long and 36 feet in beam,

with sides ten feet thick, was manned by 1,000 seamen and 120 gunners, and had Sir Andrew Wood as quartermaster and Robert Barton as skipper.

In the campaign against England, which culminated in the defeat of the Scots at Flodden in 1513, the Scots fleet which consisted of sixteen ships with tops and ten smaller craft, partly King's ships, partly hired ships and partly privateers, commanded by the Earl of Arran and Gordon of Letterfourie, feudal magnates with no naval experience, did nothing effective. The Admiral Arran sailing round the north of Scotland, after attacking and sacking Carrickfergus in Ireland, put back to Ayr. While there he was superseded by Sir Andrew Wood, but refusing to give up the command Arran sailed for France to form a junction with the allied French fleet, but failed to do anything effective against the fleet of England. In 1514 the *St. Michael* was sold to France, but some of the other men-of-war, and in particular the *James* and *Margaret* returned to Scotland. Entries in the Exchequer Rolls of 1515 and 1516 show the victualling of King's ships at Dumbarton and Dunbar, which with Leith were then the principal naval harbours and arsenals of Scotland; but the fleet of James IV seems soon after Arran's expedition to France to have disappeared before the reprisals of the English and other privateers and the storms of the northern seas.

During the reign of James V there began to rise into prominence at the Scots Court an English party, whose policy was the exclusion of the French faction from the government of Scotland, and the training of the realm 'unto the amity of England.' The old Scots alliance

with France thus began to be sapped ; but the new policy only became effective when Scotland came into line with England in the reformation of her religion in the reign of Queen Mary. It reached fuller fruition with the union of the thrones of England and Scotland in 1603. This trend of policy rendered the possession of a fleet to protect Scots interests against English aggression less and less necessary. There were at least two naval events of some importance in the reign of James V. In 1536 he sailed for France to bring home a wife convoyed by a fleet of six ships, the largest of 600 tons burden manned by 500 seamen and gunners. In 1540, two years before his death, he made an expedition to the Western Isles to curb the Islesmen with a fleet of sixteen ships. This expedition is rendered memorable by the account of the voyage given by the pilot Alexander Lindsay. His notes of the topographical features of the sea-board of Scotland from Leith to the Western Hebrides and to the Mull of Galloway taken during the voyage were systematised by Nicholas d'Arville, Cosmographer to the King of France, and were published in this country in 1718.

In the reign of Queen Mary there appears to have been no Scots fleet. In 1543 Lord Hertford's maritime expedition against Scotland, when Leith was sacked and Edinburgh burnt to the ground by the English, met with no effective opposition at sea. Encounters between privateers of the two nations no doubt took place, and the author of the '*Complaynt of Scotland*,' written about that period, describes with great wealth of detail such an encounter. It is certain that when Bothwell escaped to Orkney in 1567 the Privy Council were so dependent on extra governmental

aid that they ordered the 'skippers of Dundee' to fit out three or more of their ships to assist to capture him. And so it was during James's reign until the union of 1603. When the fear was strong of a descent on Scotland by the Spanish Armada in August, 1588, as it was retreating round Scotland after its defeat by England, though provision was made for land defence, no naval preparations seem to have been made or seem to have been available to meet the apprehended landing. When the King went to Norway in 1589 to bring home his Danish wife, he was convoyed by ships specially hired for the voyage.

With the union of the crowns of England and of Scotland in 1603 there ceased all occasion for hostile aggression between the two countries. On the other hand the utter dependence of Scotland on English foreign policy and foreign relations soon involved her in the Continental wars of England, and rendered protection to Scots shipping necessary. This was seen when England went to war with Spain in 1626. Meantime in carrying out the domestic policy of the King in Scotland, wherever sea power was necessary, the ships of private owners were commandeered or hired or both, and aid was got from the navy of England. In 1608, when Lord Ochiltree set out to reduce the ever turbulent Western Islesmen, his forces were carried from Ayr in hired Scots ships, convoyed by three English men-of-war, the *Advantage*, the *Moon*, and the *Galley Mercury*, sent down to Scotland by King James, and placed at the disposal of the Scots Privy Council while in Scots waters. In the absence of what is called his Majesty's own ship, the Privy Council, in 1610, armed and fitted out three of the best

trading vessels in Leith harbour against a band of English pirates, who with two ships had long infested the Orkney seas. They were captured, and thirty of them after trial were hanged on 26th July, 1610, on the shore of Leith. Again in May, 1614, King James sent down from London two of his English ships to protect his Scots subjects against pirates. In August, 1614, the Post of Leith and another trading ship were commandeered to transport forces and cannon to suppress a local rebellion in Orkney. Next year the Earl of Argyll had the assistance of two English men-of-war in suppressing a rising in the Western Isles. On 28th August, 1616, an agreement was made by the Scots Privy Council with Captain David Murray, commander of a ship sent down by the King from England, to clear the Scots seas of pirates; and an allowance was made for the maintenance of the ship and its small crew of twenty. This ship was probably the *Charles*. On 24th November, 1618, when she was in Leith harbour, orders were given to have her artillery taken out, her crew discharged and her captain pensioned, all to save expense. These orders were not immediately carried out, for soon after the *Charles* was ordered to proceed to Orkney to exact from foreigners fishing there the royal rent of assize and teind of the fishes in those seas. In July, 1621, the *Charles* was again in Scottish waters. James died in March, 1625.

In 1619 the Continental war between the Imperialists and King James's son-in-law, the King of Bohemia, broke out; and in 1626 England and Spain came into it on opposing sides. With the Spanish Netherlands and Dunkirk for a base of operations the Spaniards preyed on English and Scots shipping; and Scotland with no

naval force of her own to protect her interests at sea was in great distress. To abate the evil letters of marque were issued to the adventurous skippers of Fife and the Lothians, who in the course of the war did good work in the capture of enemy's shipping. Steps were also taken to provide a small Scots squadron to protect the Scottish coasts. In the summer of 1626 three ships were bought and equipped for this purpose at a cost of at least £5,200 sterling. One, the Unicorn, commanded by Captain David Murray, was purchased in Scotland. The other two commanded by Captains Douglas and Achmoutie were bought in London. They, however, did little effective service. The minutes of the Scots Privy Council of 10th April, 1627, convey to King Charles in London the grievous and heavy complaints the Council are daily receiving from the merchants of the kingdom as to the ruin of their commerce by the war, and the pitiful lamentations of numbers of poor women, whose husbands are slain or captured by the Dunkirkers, because of the insufficiency of the naval defence of Scotland. The Dunkirkers, they continue, 'sink our ships in the very sight of the coast ; and all the while his Majesty's three war-ships, under the command of the Earl Marischal, have lain idle and unprofitable in dry harbours, without any purpose as we conceive to go to sea.' Balfour, a contemporary annalist, narrates that the Earl Marischal remained obstinately on shore, leaving all in the hands of his subordinates the three captains, who drank and made good cheer, but would not offend the enemy. The King's arrangement with the Earl Marischal was that the earl should rig out and maintain the ships at his own charge, with right to retain

two-thirds value of the prizes, the King getting the remaining third. The ships were ordered peremptorily to leave harbour on 5th May, but the chief difficulty was with the sailors, who would not embark as their pay was in arrear. In this war was commenced the practice, which was continued down to the date of the union of the Parliaments of England and Scotland in 1707, of levying, through the Scots Privy Council, Scots seamen to help in the manning of the English navy. On 11th July, 1626, an order was issued for a levy of 500 mariners, and twenty coast burghs in Scotland were requisitioned.

During the period of the Protectorate, when there was a corporate union between the two countries, Scotland seems to have made little or no contribution to the rising strength of the English navy. It is true that during the first Dutch war measures were taken to impress Scots seamen for the English fleet, and that when Denmark in 1653, under arrangement with the Dutch, closed the Baltic against England, orders were given to secure the future supply of masts for the English navy from Scotland. The small naval operations on the coasts of Scotland, undertaken in co-operation with Colonel Lilburne and General Monk in suppressing the Royalist rising under Glencairn in 1653 and 1654, were rendered by the English navy.

During the second Dutch war, Charles II, in 1664, levied from the sea-coast burghs 500 Scots seamen for the English navy, paying a bounty of forty shillings per man and giving English naval pay; but from 1664 to 28th August 1667 the Peace of Breda the skippers and seamen of Scotland were more keen on privateering than in joining the English navy. Charles freely offered

privateering commissions to Scots skippers, and during the course of the war at least twenty-eight received letters of marque. Amongst the ships thus commissioned were the *Ann of Anstruther*, the *Bonaventure*, the *Bruce*, the *Christian of Boness*, the *Fortune*, the *Good Fortune*, the *Greentree*, the *Lamb of Leith*, the *Lesley*, the *Margaret of Peterhead*, the *Morton*, the *Prince Rupert*, the *Providence of Dundee*, the *Rainbow of Dundee*, the *Thistle*, the *Roths*, the *Venture* and the *Wemyss*. These privateers must have made a considerable number of captures, which, when adjudged lawful prize by the Scots Court of Admiralty, and after the tenths and fifteenths were paid to the accredited persons, fell to the captors.

In March, 1672, war was renewed against the Dutch and lasted until 1674. The policy of levying Scots seamen for the English navy was continued. In return for this service Scottish seamen received protection against impressment by English men-of-war. During this war letters of marque were again freely issued to Scots skippers. No account is given in the Privy Council Records of their number, but there must have been many of them, for on 22nd April, 1673, after the Duke of Lennox, Lord High Admiral of Scotland, died, there were 'diverse persons' whose commissions or letters of marque lapsed, and were renewed by the Lord Chancellor until peace was made the following year. There were no further foreign wars giving rise to maritime complications in the reigns of Charles and his successor James II. One domestic event only, *Arygl's* invasion of Scotland in 1685, called for minor naval measures in the west of Scotland, but these seem to have been carried out by England.

Though only in a measure germane to the question of a Scots Navy in the ordinary acceptance of the term, the origins of the ancient office of Lord High Admiral of Scotland, and the civil and criminal jurisdiction associated with it, may be mentioned. Probably the neighbouring Admiralty of England influenced the powers and duties which the office in Scotland acquired. Early in the fifteenth century Henry Sinclair, second Earl of Orkney, who died in 1417, was Admiral of Scotland. George Crichton of Cairns, Earl of Caithness, held the office under James II at least from 1449 to 1453; while Alexander, Duke of Albany, was Great Admiral of Scotland under James III from 1473 to 1483. James IV granted the office heritably to Patrick Hepburn, Earl of Bothwell, in 1488, with power to him to appoint deputies. Patrick was succeeded as Admiral by his son Adam on August 27, 1511, and the office remained in the Bothwell family until the forfeiture of the last Earl, husband of Queen Mary, in 1567. These Admirals, with the possible exception of the Earl of Caithness, were titular officers with no knowledge of the sea or of naval affairs, and it is matter of history that the real founders and captains of the Scots Navy during its greatest period in the reigns of James III and IV were the merchant skippers of Scotland, and particularly those of Leith. The Admiral, however, under the King exercised executive functions of some importance, and was the source of authority whence the High Court of Admiralty derived extensive jurisdiction. He appointed the judges of that Court. The exclusive right of the Admiral's Judge to hear and decide maritime causes was, if it ever existed, modified in the reign of James V,

when the Court of Session established by that monarch assumed powers of review. This claim by the Court of Session was subject of a remit by Parliament in 1554, and the practice seems to have been then firmly established that, though the Admiralty Court had power to decide all maritime causes in the first instance, a right of review was reserved for the Court of Session. The jurisdiction of the Admiralty Court was ratified by the Scots Parliaments of 1609 and 1681. It was thereby declared that the High Admiral as his Majesty's Justice-General upon the seas had the sole privilege and jurisdiction in all maritime and seafaring causes civil and criminal, and that the High Court of Admiralty was a supreme court to whose review all inferior courts were subject. The Court of Session was limited to review only by process of suspension or reduction. After the period of the Commonwealth the Scots Parliament in 1661 ordained that decisions given in the Admiralty Court during the usurpation might be brought in question before the Court of Session 'in the same form and manner as was formerly established by the law and practick of this kingdom.' Admiralty civil jurisdiction included all matters relating to maritime contracts, salvage, wreck, demurrage, and the right of capture of enemy's shipping. Criminal jurisdiction extended to cases of piracy and mutiny, and to all crimes committed on the high seas or within territorial waters. The Admiral had the right to nominate Admirals Depute to exercise his duties and jurisdiction. A volume of '*Acta Curiae Admirallatus Scotiae*,' containing the proceedings of the Admiralty Court at Edinburgh and Leith held by the Vice-Admirals between September 6, 1557 and March 11, 1562, when the Earl of Bothwell was Admiral, is

the oldest extant Admiralty Court record in the Register House Edinburgh. Besides these judicial functions the Admiral had others of a more executive nature, which brought his office into close contact with naval administration—namely, his right in time of war to issue letters of marque.

On the forfeiture of Bothwell in 1567 the office of Admiral was given heritably to Mathew, Duke of Lennox, father of Darnley, Consort of Queen Mary. On February 8, 1627, during the war with Spain, the Earl of Linlithgow was appointed to the office during the minority of the then Duke; while in the course of the second Dutch war, owing to the laxity of the Lord High Admiral in attending to his executive duty of commissioning privateers, the Scots Privy Council was authorised to issue letters of marque against the enemy. The last Lennox to hold the office was Charles the sixth and last Duke. On February 27, 1672, the Crown granted a warrant for a charter of the office of High Admiral of Scotland to that nobleman and his heirs male, recalling the several commissions granted to Alexander Dick and Patrick Blair of the office of Admiralty and Justiciary within the isles of Orkney and Zetland. Next month on the commencement of the third war with the Dutch a commission was issued to Sir Charles Bickerstaffe, Kt., Depute Admiral in the absence of the Duke to grant letters of marque against the States General of the United Provinces and their subjects. At the same time the King addressed a letter to the Commissioners in Scotland for the regulation of judicatory, requiring them to regulate the Courts of Admiralty without prejudice to the Duke of

Lennox in his right of tenths from privateers and of granting his commission to private men-of-war. The Duke did not survive long. He died on December 12, 1672. On that date the succession to the estate of Lennox fell to Charles II, and the gift of the Admiralty of Scotland became void. In the following letter, taken from the Scots Warrant Books, addressed to the Lords Commissioners of the Treasury of Scotland, the king, when arranging that his brother James should hold the office, mentioned the war then in progress, as the urgent reason why the office should be speedily filled.

‘CHARLES R.—Right trusty and well beloved cousins and councillors . . . we have often been informed that the estate of Lennox after the death of the late Duke of Lennox without issue male of his body did in law belong to us as undoubted heir to Mathew late Earl of Lennox whose [son] married Queen Mary our great-grandmother by whom there was no issue except our royal grandfather King James of blessed memory. We have been also informed that when our said grandfather gave the earldom of Lennox to Monsgr. d’Aubigny (whom he created the first Duke of Lennox) he did give it under this express condition, that failing heirs male of his body that whole estate should return to the king. And now being certainly informed that Charles late Duke of Lennox died upon the [12th] day of December last near Elsinore in Denmark, and knowing that there remains no issue male of the body of the first Duke of Lennox we do think it necessary and do require you to take into your possession the charter kists and evidents belonging to the family of Lennox . . . [and inventory them]; but because

we are sure that the offices of Admiral and Chamberlain of Scotland are now void and at our disposal, and that the settling of a High Admiral of Scotland is most necessary to be done with all possible expedition, and that we are resolved to give a patent of that office to our dearest brother James Duke of Albany and York for all the days of his life, you shall cause our Advocate to draw up with all possible expedition a signature of y^e office of High Admiral of Scotland, and of all y^e isles belonging to the same with all powers privileges and jurisdictions thereto belonging as fully as either the late Duke of Lennox had the same, or by the law or custom of that kingdom it may be given.

'This does require great expedition because we conceive the Admiral Court will be at a stand when there is no Admiral, and that it will be fit for our said dearest brother to appoint a Vice-Admiral and other officers necessary for that Court. . . .

'Given at our Court at Whitehall the 14th day of January 1673. By his Ma^{ty} comand,
LAUDERDAILL.'

On 1st February, 1673, the following warrant for the gift of the office of Lord High Admiral of Scotland to the Duke of York (afterwards James II), taken from the Scots Warrant Books, was accordingly issued :

'CHARLES R.—Our Sovereign Lord considering that the office of High Admiral of the kingdom of Scotland and of all the isles thereof including and comprehending the Isles of Orkney and Zetland is now in his Ma^{ty}. hands and at his gift and disposition by and through the decease of Charles Duke of Lennox and Richmond late

High Admiral of y^e said kingdom, and his Ma^{ty}. taking into his consideration the many great signal testimonies given by his dearest brother James Duke of Albany and York of his most extraordinary courage and conduct and other eminent qualifications requisite for such a trust and office, and considering with how much honour to himself and advantage to these kingdoms his said dearest brother has exercised the place of High Admiral of England and Ireland, both during y^e late and this present war against his Majesty's enemies the States General of the United Provinces, therefore our Sovereign Lord ordains a letter to be past and expeded under his Majesty's Great Seal of the said kingdom of Scotland in due form making constituting and ordaining, likeas his Majesty by these presents makes constitutes and ordains his said dearest brother James Duke of Albany and York during all the days of his lifetime High Admiral of the said kingdom of Scotland and isles thereof, comprehending and including the Isles of Orkney and Zetland and all other isles belonging to the said kingdom, giving granting and disponsing, likeas his Majesty by the tenor hereof gives grants and dispones to the said James . . . during his said lifetime, the said office with all the honours, dignities and jurisdictions, liberties, privileges, immunities, fees, casualties, profits and duties whatsoever belonging or which are or may be known to belong to the same' [with power to possess the same in the same manner as the Duke of Lennox].

The Duke of York was specially authorised by royal letter dated 7th April, 1673, to issue letters of marque against the Dutch; and to assist him the Earl of Kincardine was soon after

appointed Vice Admiral of Scotland. There is record that that nobleman held the office in November 1673. During the two Dutch wars in the reign of Charles II the rules of the Admiralty Court of Scotland were assimilated to those of England in regard to capture of enemy's ships and cargo and the rights of neutrals, while the royal authority was several times exercised to bring the practice of the Scots High Court of Admiralty and of the Court of Session into harmony with that of the Admiralty Court of England.

When the dukedom of Lennox was restored on 20th August, 1680, in the person of Charles's natural son, the Duke of Richmond, who was born on 27th July, 1672, the gift of the Admiralty of Scotland, under reservation of the Duke of York's life appointment, was conferred on Richmond and his heirs. It is stated to have been held under a further reservation. Charles Stuart, last Duke of Lennox, left a widow Frances Stuart, eldest daughter of Walter, third son of the first Lord Blantyre. On 22nd December, 1673, she obtained from King Charles a life-rent grant of the whole Lennox estate, said to include the Admiralty of Scotland. She died on 15th October, 1702, and a somewhat shadowy claim¹ on the part of Lord Blantyre to be hereditary Admiral of Scotland seems to have been put forward by that nobleman as arising through his relative the said Duchess of Lennox. The gift to the Duke of Richmond had at any rate no real meaning or effect during the reigns of Charles II, James, and William. It only came into temporary prominence in Queen Anne's reign.

¹ See pp. 409-10.

It thus appears from this rapid and imperfect review, mainly drawn from the Exchequer Rolls, Treasurer's Accounts and Privy Council Registers of Scotland in Edinburgh, and from the Scots Warrant Books in London, that only occasionally in Scots history does a Scots navy come into view. Materials for its history are scanty, scattered and incomplete; while its unimportance, when compared with the Scots army, has further contributed to its neglect. Its very obscurity, however, lends it an interest, and with growing research the story of this small but interesting force may yet be written. The papers contained in this volume are a contribution to the materials for such a history within the period from the Revolution in 1689 to the Union of the Parliaments of England and Scotland in 1707, when the small Scots navy ceased to exist, and the navies of England and Scotland thereafter became known as British. These materials for convenience of reference have been arranged chronologically, with this modification, that in dividing them into seven chapters sequence of time is sometimes sacrificed to an endeavour to produce greater unity in the subject-matter. Each chapter is prefaced by a short introduction giving in brief and general terms an indication of the contents. The documents themselves, however, should be referred to. They are mainly taken from manuscript sources in the Register House, Edinburgh, and in the Public Record Office and British Museum, London. In working up the material from the manuscript Registers of the Privy Council of Scotland in the Register House, Edinburgh, which bulks so largely in this volume, the Editor gratefully acknowledges the assistance of the Carnegie Trust in giving a grant for

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copying. In the work at the Public Record Office,¹ London, he acknowledges with thanks the able assistance of Miss Norah Kerr, London. In a much less degree the documents given are from printed sources, and have been added so as to afford a fuller and more complete account of the subject. In accordance with the rules of the Society the spelling has been modernised except where specially noted. The Editor desires to cordially thank Sir John Knox Laughton, Admirals Sir Cyprian Bridge and Sir Reginald Custance, Mr. Gray and Mr. Childers, all of London, for their ready advice and assistance.

¹ Referred to in text as P.R.O.

BANFF,
October 1913.

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- A. = Admiralty.
 A.P.S. = Extracts from the Acts of the Parliaments of Scotland.
 C.S.P. = Carstares State Papers.
 E.A.M. = English Admiralty Minutes.
 M.P.C.S. = Minutes of the Privy Council of Scotland.
 S.C. = Seafield Correspondence.
 S.P. = State Papers.
 S.P.(S.)W.B. = State Papers (Scotland) Warrant Books.

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THE OLD SCOTS NAVY

CHAPTER I

*THE REVOLUTION from March to August, 1689,
with an account of the frigates Pelican and
Janet thereafter to November, 1690.*

INTRODUCTION

THE extreme exercise of prerogative by James, the last Stuart King, and his Romanizing policy alienated the majority of his subjects in England and Scotland, who brought over from Holland his Protestant nephew and son-in-law, William of Orange. That prince landed at Torbay on 5th November, 1688. James, deserted by his army, on 11th December fled to France, and the Revolution was inaugurated in England and Scotland without a blow. In Ireland alone, with a predominant Roman Catholic population, the adherents of James, under Tyrconel, were able to uphold his government, and Protestants were either driven out of the island or behind the walls of Enniskillen and Londonderry. Convoyed by a French fleet, James landed from France at Kinsale in the south of Ireland on 12th March, 1689, and war with France, though not formally declared until later, began, Great Britain coming into line with the European confederacy banded against Louis XIV and the then French ascendancy.

In Scotland, where the Duke of Hamilton and General Mackay managed for William, the Convention Parliament met on 14th March, 1689. On the 18th Viscount Dundee rode out of Edinburgh; 'whither the spirit of Montrose might direct,' to the Highlands to raise the standard of James. Next day the Convention declared for William, and immediately took strong measures, with the aid of General Mackay, to suppress Dundee's rising, to prevent the Jacobites in Ireland from assisting him, and to help the distressed Protestants of Ireland. The command of the Irish Channel and of the western seas of Scotland was therefore of great importance to the new government, if they were to maintain themselves and their policy, and were not to be entirely dependent on the English fleet. Measures were accordingly taken on 21st March to create and put to sea something of the nature of a small Scots fleet, consisting of two hired frigates, the *Pelican* and *Janet*, both of Glasgow. These were commissioned on 13th April, and were ordered to keep the western seas from Cornwall to Skye. Minute details are given in the Acts of the Convention Parliament of Scotland of the hiring, victualling and arming of these two frigates. So scarce were munitions of war that Captain Hamilton, the commodore, and Captain Brown were authorised to seize for the frigates any suitable cannon that could be got, and on 19th April cannon-ball and 'granadoes,' seized in the house of an Edinburgh Jacobite, were given out for their use.

After the indecisive engagement of 1st May, 1689, between the French fleet under Admiral Chateau Renaud and the English fleet under Admiral Herbert (afterwards created Lord Torrington), in Bantry Bay, Captain Rooke of the English Navy, afterwards Sir George Rooke who captured Gibraltar, was sent north with a small squadron to assist in keeping command of the seas between Scotland and Ireland. On 7th May instructions were given to the Scots frigates then lying at the mouth of the Foyle, and intending for Dublin Bay, to cruise on the coasts of Kintyre and Mull to prevent a landing in Scotland from Ireland, and on the 18th they were

directed to co-operate with Rooke. Their service was not ineffective. Early in June they captured a party of Scots Jacobite Highlanders on their way from Argyll to Ireland. That same month, after refitting, they were employed in carrying dispatches to Major-General Kirke, who was then charged with the duty of relieving Londonderry. On 10th July, in a gallant though ineffectual attempt to prevent a landing in the west of Scotland of Jacobite reinforcements from Ireland for Viscount Dundee, they were overwhelmed by three French frigates of superior power. A graphic account of this obscure sea-fight, printed in London on 2nd August, 1689, and found by the Editor bound up with contemporary *London Gazettes* in the British Museum, seems to overstate the number killed. The closing papers of this chapter tell the story of the 143 Scots seamen captured in this fight, and their relatives' endeavours to recover arrears of pay during their captivity in Kinsale and Duart in Mull, and correct the broadside account of the number killed. An interesting incident, a fitting termination to this episode, was the daring recapture of the Pelican in Dublin Bay by Sir Cloudesley Shovell in the Monmouth on 18th April, 1690. Later in July the Pelican was lying in the Catwater, Plymouth—an effective unit of the squadron under Sir Cloudesley Shovell, and her log is still preserved in the Public Record Office,¹ London. Classed as a fireship of two decks, after some short service in the English Navy she ended her career as a breakwater at Sheerness in September 1692.

Meantime, in the summer of 1689, the Scots Parliament and Privy Council took strong measures to support their kinsmen, the Protestants of Ulster, in their resistance of James and his forces beleaguering Londonderry. Embargoes were imposed on Scots and Irish shipping, and were removed as expediency suggested. More important was the issue of letters of marque to adventurous friends. On 28th May commissions were issued by the Privy Council to the captains of three privateers, the

¹ *Admiralty, Captains' Logs*, 4284, in Public Record Office.

Dogarvine, the Phoenix and another unnamed against the French and Jacobite Irish. On the 31st of July, 1689, the first to bring relief to Londonderry was the Phoenix privateer under the command of Captain Andrew Douglas, a Scoto-Ulsterman of Coleraine. Macaulay recounts in graphic language how, after the boom across the Foyle was broken, the Phoenix arrived first, and how from the relieving ships there were rolled on shore barrels containing six thousand bushels of meal for the famished inhabitants. The Privy Council records of 30th May recount that these barrels of oatmeal came from the garrison store-house in Stirling and were carried by the Phoenix. For his gallant services at Londonderry Douglas subsequently received a captain's commission in the English Navy. The English Admiralty minutes¹ of 30th September, 1689, bear: 'My Lord Carbery, one of the members of the Board attending his Majesty yesterday at Hampton Court, his Majesty delivered to his Lordship Lieutenant-General Kirke's recommendation to his Majesty of Captain Douglas, commander of one of the ships that relieved Londonderry, for a better employment, with his pleasure to his Lordship that the Board should take care therein.' A minute¹ of 25th October, 1689, bears: 'Upon my Lord Shrewsbury's letter of this day's date signifying his Majesty's pleasure that Captain Andrew Douglas of the Phoenix, who did good service at the relief of Londonderry, have such employment in the fleet as the Board shall judge him capable of: Ordered that this be considered when Lord Torrington shall be at the Board.' After some delay he was by the King's intervention appointed in February 1690 to the command of H.M. sloop Lark in the English Navy.

During that year he was engaged on the west coast of Scotland under Captain Pottinger of H.M.S. Dartmouth, and chapter ii contains various references to the services of the Lark. On 30th August, 1691, he was posted to the Sweepstakes frigate, and thereafter to the Dover, Lion, and Harwich, doing service during the French war on the coasts of Ireland and Scotland. In November 1697, after the peace of Ryswick, the Harwich was paid

¹ *Admiralty 3, No. 2*, in Public Record Office.

off, and for three years Douglas was unemployed. In February 1701 he was posted to the *Norwich* of 60 guns, and for eighteen months was on the English Channel station. In July 1702 he sailed on convoy duty for the West Indies, where he remained for eighteen months commodore on the station, returning to England in July 1704 to be paid off. While on the West Indian station he quarrelled with his officers and crew, and on his return to England they brought a series of charges against him, on which he was court-martialled on 16th November, 1704, Sir John Jennings presiding. He was found guilty (1) of sutling on board his ship the *Norwich* by selling to his men rum and sugar, &c., and being paid therefor out of their short allowance money; (2) of bearing men unduly on board his ship, who were put on board a sloop for his private advantage; and (3) of exorbitantly punishing his men. He was found guilty, and was dismissed from employment as commander of the *Norwich*, at the same time losing his post in the rank of captains of the English Navy. At this time the feeling in England was bitter against Scotsmen, and, whatever the merits of the case, as a Scotsman Douglas would get scant justice. Convinced that he had been unjustly dealt with, Douglas tried every means to get the sentence set aside, and in July 1706 a petition¹ of his, 'setting forth his services² in the late reign, in consideration whereof he was preferred to the command of a man-of-war in the Royal Navy, from whence he was dismissed upon misrepresentation exhibited against him by some of his seamen for ill-usage of them, and other irregularities, and praying to be restored,' was considered by the Admiralty but was not entertained.

Three years later, on 24th September, 1709, the Lord High Admiral, Lord Pembroke, in view of fresh evidence reinstated him in his rank of captain, and in March 1711 he was posted to the command of the *Arundel*, and was engaged on convoy duty in the North Sea. In 1712 he stood a second court-martial on a charge of using indecent

¹ See *S. P. Dom. Naval*, 1703-8 (3rd July, 1706), in the public Record Office.

² Assisting at the relief of Londonderry.

language to his officers, and of confining some of them to their cabins undeservedly. He was fined three months' pay, but his lieutenant—his chief accuser—was at the same time fined six months' pay. In March 1712 the Arundel was paid off. In February 1715 Captain Douglas was appointed to the Flamborough on the home station. She was paid off in October of the same year, and Douglas received no further command thereafter, but remained on half-pay until his death on 26th June, 1725.

An account of Captain Douglas is given in Charnock's *Biographia Navalis*, vol. ii, p. 387, in Lediard's *Naval History*, p. 627, and by Sir John Knox Laughton in the *Dictionary of National Biography*, while additional information about him will be found in this volume.

CHAPTER I

The Acts of the Parliaments of Scotland, Vol. IX, p. 17.

Edinburgh. 21st March, 1689.

The meeting of the Estates do ordain two frigates to be provided to cruise on the west coast of this kingdom, and appoints Sir James Montgomery of Skelmorlie, John Andersone of Dowhill and John Boswell¹ to calculate the charge thereof for a month, and to employ Captain William Hamilton² and Captain John Brown,³ who are to command the said frigates, to look after fit ships and seamen, with power to the said persons to make bargain thereabout, and to report.

Ibidem, p. 25.

Edinburgh. 30th March, 1689.

. . . Skelmorlie Dowhill and John Boswell . . . accordingly gave in an estimate subscribed by them of the expenses and charge for a month, extending the particular articles to four hundred and ten pounds sterling, by and attour⁴ tear and wear of the said ships, anent which they could not condescend, in respect the owners are not willing to bargain, as the foresaid report produced and read to the meeting more fully bears : The Estates therefore finding it necessary that this affair be immediately dispatched by the care of the

¹ Probably skipper in Kirkaldy, frequently referred to hereafter

² Sometimes written 'Hamiltone' and 'Hamiltoune.'

³ Sometimes written 'Broun,' 'Broune,' and 'Browne.'

⁴ Over and above.

foresaid persons to whom it was recommended, do grant warrant to the Duke of Hamilton their president to give order to James Oswald or Sir Patrick Murray general receivers of the cess excise customs and crown rent to make payment of the foresaid sum of four hundred and ten pound sterling, to be disposed of by them for the ends and uses aforesaid.

Ibidem, p. 35.

Edinburgh. 5th April, 1689.

The meeting of the Estates of this kingdom ordain Sir Patrick Maxwell of Newwork to deliver and give up to Walter Gibsone provost of Glasgow such arms of what so ever kind the same be, as were taken by the said Sir Patrick furth of the said Provost Gibsone his ship in the river of Clyde.

Ibidem, p. 43.

Edinburgh. 12th April, 1689.

The meeting of the Estates do ordain the keeper of the public arms at Stirling to deliver to Captain William Hamilton and Captain John Brown or either of them, or any person they or either of them shall appoint, the number of one hundred grenades for the use of the two frigates appointed to cruise on the western coasts of this kingdom under the command of the said two captains; and do hereby authorise and give warrant to the said two captains or either of them to seize and make use of any cannon which may be fit for the service of the said two frigates, wherever the same can conveniently be had, and that they give receipt to the owners to the end that the hire damage or value thereof may be repaid by the public.

Ibidem, pp. 44-79 (résumé).

On 13th April 1689 the Convention order Captain Edward Bryce and a company of foot to embark on board the two frigates commanded by Captain William Hamilton of Ladyland and Capt. John Brown in Irvine. The same day the Estates issue a commission to Captain Hamilton to command one¹ of the frigates. Hamilton is commissioned to cruise on the western coasts from the point of Cornwall to the Isle of Skye, and to fight and sink all ships belonging to the late King James; and the seaports of England are requested to furnish him with victuals should he put in to any of them. A commission in similar terms is the same day issued to Captain Brown to command the second frigate.²

On 16th April an embargo is placed by the Scots Estates upon ships on the western coast of Scotland forbidding their going to Ireland in case they may be used to assist an invasion of Scotland. That embargo is two days later removed, on a representation that several thousand Protestants have retired on Derry, and cannot be taken into that city, and being unable to keep the field against the Irish are desirous of coming to Scotland in any Scots shipping which can be made available. The same day the Convention order Captain Hamilton with one of his frigates to convoy any Scots ships that may be chartered for that purpose. On 19th April the Estates direct the two frigates, the Pelican belonging to Walter Gibsone provost of Glasgow and [the Janet] belonging to Robert Campbell late dean of guild of Glasgow, to be valued, so that the owners may be reimbursed by the Treasury for damage or

¹ The Pelican.

² The Janet.

deterioration. The same day cannon ball and 'granadoes' seized in John Trotter's house, Edinburgh, are ordered to be given out for their use. On 23rd April Major Arnot deputy governor of Dumbarton Castle is directed to deliver to the frigates forty firelocks and one hundred great shot; while the same day the two captains are authorised to take any great guns where they can be got. The same day an embargo is placed on all ships sailing for France or Ireland.

On 29th April a letter is read in the Convention Parliament from Alex^r. McAlister laird of Loup and Angus Campbell of Kilberrie both in Kintyre intimating that they have detained a French ship from Ireland with several passengers of quality. They are directed to bring the ship to New Port Glasgow¹ and to deliver the prisoners to the magistrates of Glasgow. The same day the Estates dissatisfied at Captain Hamilton's failure to sail, though he had received his commission and instructions several days before, order him to sail at once and to carry out his instructions including the breaking or burning of boats at Carrickfergus.

Ibidem, App. p. 11.

7th May, 1689.

The Committee of Estates to Captain Hamilton.

Yours of the second instant from Greencastle² directed to his Grace the Duke of Hamilton being communicate to us, and that from thence you were bound towards the Bay of Dublin, it is thought fit that you sail rather to the coast of the Isle of Mull and the back of Kintyre, and there destroy

¹ Port Glasgow.

² Near the mouth of the Foyle.

such of the birlines¹ or boats, which may be useful to the enemy as you can, to which place you are commanded forthwith to repair ; and so much the more because we have an account from Kintyre that there are some of the McDonalds and others come over there, and some more to come from Antrim and Balentry² in Ireland to that place, so you would not neglect to sail thither at least with one of your ships and cruise betwixt Mull and Glencairine, and send a frequent account of your diligence either from the coast of Galloway or from Kintyre, and do you order the next magistrates of burghs or heritors to send expresses with these accounts to the Committee, which in their name is signified to you by, Sir, your affectionate friend
(*sic subtur.*) Rosse,³ P.

English Admiralty Minutes, 3, No. 1, Public Record Office (P.R.O.).

11th May, 1689.

Ordered that Captain Rooke now cruising between Scotland and Ireland do order one of the least of the 5th rate frigates under his command to cruise at the mouth of Londonderry river, and convoy up to the town all such recruits of men victuals stores arms and ammunition as shall be sent.

The Acts of the Parliaments of Scotland, Vol. IX, App. p. 30
(résumé).

On 16th May 1689 the Committee of Estates grant warrant to James Oswald, receiver general, to pay to Hugh Montgomery merchant £295 19 7 stg. the balance of his accounts for outrigging the two frigates in the west, and £10 stg. for his pains.

¹ Birline—a long-oared boat of the largest size, often with six, sometimes eight oars, generally used by chieftains in the Western Isles. It seldom had sails. Gaelic—Birlinn.

² Probably Port Ballintrae.

³ William, twelfth Lord Rosse.

Ibidem, App. p. 34.

18th May, 1689.

Letter to Captain William Hamilton and Captain John Brown.

Your letter of the eleventh to me from Donoghadee¹ road I communicated to the Committee of Estates, and they are well satisfied with the conduct you have hitherto observed upon the Irish coast. The last orders I sent you were that you should concur with Captain Rooke an English man of war, who with several other ships of war was ordered by Admiral Herbert² to cruise upon these coasts; but the Committee understanding that the Highlanders in Kintyre and Mull had manned several of their birelines and taken a French vessel that was in Kintyre, and put some guns on her and carried her to Mull, they therefore ordain you forthwith to cruise upon the coast of Kintyre and towards the Isle of Mull, and there burn break sink and destroy all vessels you can find either at sea or in creeks belonging to the enemy wherever you can reach them; and be careful to send account of your diligence to the Committee and to correspond with Captain Young, who being sent into that country with a detached party has dissipated some of these clans who were got together already; and, if you cannot stay so long at sea, that you come in to Lamlash and there receive further orders; and if you be near Captain Rooke you may acquaint him with this, being all at present from your most assured friend (*sic subscribitur*)

HAMILTON P.

¹ Donoghadee.

² Created Lord Torrington, and on 24th May, 1689, made Vice-Admiral of England.

Ibidem, p. 85.

Edinburgh. 21st May, 1689.

Ordered that the beef taken out of the French ship¹ be given for providing of the two frigates, and that a quantity of biscuit be provided for them immediately at the town of Glasgow.

Minutes of the Privy Council of Scotland.

Edinburgh. 28th May, 1689.

Act in Favour of Captain William Burnsyde.

The Lords of his Majesty's Privy Council having considered the petition presented to them by Captain William Burnsyde, master of the ship called the Dogarvine of Londonderry,² representing that the petitioner by reason of the troubles in Ireland hath lost a very considerable fortune consisting in merchandise and other goods in and about the city of Londonderry, which was the place of his residence, being the whole product of his toil and pains for these many years; likeas since he came from Ireland he hath been employed by the postmaster-general of England³ for bringing intelligence from Ireland, which he hath effectually done, as the said Lords sufficiently know; and seeing the petitioner with concurrence of some other gentlemen that are in the like circumstances with himself intend, God willing, to get off from Ireland some of their very near relations, and to endeavour to obtain some reparation from the enemy, whether French or Irish, by land or by sea, of what they have lost, and further to obtain the best intelligence they could from Ireland or otherwise, and to that end also to stop and examine all Highland birlines or other boats or vessels passing to or from the coasts of Ireland

¹ Captured by McAlister of Loup.

² Sometimes written 'Darie' and 'Derrie.'

³ Major Wildman.

and Scotland, of which the petitioner shall give their Lordships an account as soon as possible, remitting the petitioner's pains and troubles therein to the said Lords' consideration as they should find he deserved; and it being necessary for that effect to put the said ship into a posture of force and defence and to enter, land and board in and upon the creeks, havens, coast and ships of the enemy, and otherwise to infest them with all acts of hostility, and the petitioner being sufficiently furnished with all arms and ammunition necessary except cannon, whereof they have only two considerable pieces, and there being several merchant ships lying in and about Greenock and elsewhere that are drawn and laid up from any use at this time, so that they have now no service for their cannon, and humbly supplicating to the effect aftermentioned, the said Lords of his Majesty's Privy Council do hereby grant warrant to the said Captain William Burnsyde to act in a hostile manner (if need be) upon the ships and coasts of the French or Irish, and stop and examine all Highland birlines or their boats or vessels passing to and from the coasts of Ireland and Scotland, and do in like manner grant warrant to the judge ordinary or admiral deputed at Greenock to furnish the petitioner with six or seven cannon from the ships aforesaid, he finding sufficient caution for redelivery of the same or the value thereof, as the same shall be esteemed by the judge ordinary. And for the effectual prosecution of the premises they ordain a commission to be drawn to the said Captain William Burnsyde to act in a hostile manner to the effect abovementioned in the form of the commissions granted by the Privy Council to privateers the time of the former wars.

Ibidem.

Edinburgh. 29th May, 1689.

Act in Favour of Captain John Woodsyde.

The Lords of his Majesty's Privy Council having considered an offer made by Captain John Woodsyde of Irvine, that he will fit out a ship well manned and armed for his Majesty's service against the King's enemies, providing the said captain have a commission, with the two barrels of powder, two chests of ball, and, if any of the guns lying at Kelburne¹ can be spared, that he have them, the said Lords do ordain a commission of a privateer to be drawn for the said Captain John Woodsyde, he finding caution for the faithful execution of his commission; and do also ordain the cannon lying at Kelburne to be delivered to him for the use of his frigate, he giving receipt and caution to restore the said cannon, which shall be delivered to him or the just value of them in case they be lost.

Ibidem.

Edinburgh. 29th May, 1689.

Act in Favour of Andrew Douglas.²

The Lords of his Majesty's Privy Council having considered the petition presented to them by Andrew Douglas, master of the good ship called the Phoenix of Coleraine in Ireland, shewing that where the petitioner being a Scotsman, born at Glasgow, descended of the Douglas of Keystowne, and having been bred a skipper and lived there ten years bygone at Coleraine in the county of Londonderry, in the Protestant faith with his partners, above thirty in family, and having been by the Irish army plundered and robbed of all the

¹ Near Largs, Ayrshire.

² Sometimes written 'Douglass' and 'Dowglas.'

goods and gear they had in the world except the said ship, which at the time was in Londonderry for to lade goods for France, and at the breach of Belfast and Antrume¹ did stop the said ship for to carry off passengers for Scotland, who, amongst many others, was the Lord Maserine and several loads of passengers more to Clyde, and seeing the petitioner with concurrence of some other gentlemen that are in the like circumstances with himself intend, God willing, to get off from Ireland some of their near relations and other poor Protestants that are now under the cruelty of the Irish, to endeavour to obtain some reparations from the enemy, whether French or Irish, by land or by sea, of what they have lost, and further to obtain the best intelligence they can from Ireland or otherwise, and to that end also to stop and examine all Highland birlines, &c. [as in the Act in favour of Captain William Burnsyde, except that the Phoenix is not stated to have any cannon of her own].

Ibidem (résumé).

Edinburgh. 30th May, 1689.

The Lords after consideration of the petition given in by the Irish Protestants and having heard the report by the Earl of Craford² and Sir Robert Sinclair, grant warrant to Sir Patrick Murray, general receiver, to give out 800 bolls of meal from the storehouse in the garrison of Stirling to be transported to Londonderry for the use of the poor Protestants in and about that city. It is to be sent to Dumbarton and shipped thence. Sir Patrick Murray is to take bond from

¹ Antrim.

² William 18th Earl was about this time appointed President of the Scots Parliament, on the Duke of Hamilton's appointment as Lord High Commissioner. Also written 'Craufurd,' 'Crauford,' or 'Crawford.'

the petitioners and from Mr. Alexander Leckie, merchant, alderman in Derry, Mr. Horras Kenne-
die, sheriff of Derry, Thomas Knox, late of Belfast,
now merchant in Glasgow, and Captain Andrew
Douglas, who transports the said victual, that
should they be stopped by pirates or otherwise
prevented from getting the meal to Londonderry,
they will bring it back to Scotland, sea hazards
excepted.

Ibidem.

Edinburgh. 30th May, 1689.

*Commission in Favour of Captain William
Burnsyde.*

The commission in favour of Captain William
Burnsyde read and subscribed, whereof the tenor
follows :—William Duke of Hamilton, Marquis of
Clidsdail,¹ Earl of Arran and Lanrick,² &c., Lord
President and remanent Lords of his Majesty's
Privy Council for the kingdom of Scotland, to
all and sundry kings, princes, dukes, marquesses,
governors of republics, magistrates of burghs, com-
manders of navies, governors of ports and castles,
and to all and sundry whom these presents do
or may concern, greeting. Forasmuch as William
and Mary, King and Queen of Great Britain,
France and Ireland, have not as yet nominated
and appointed any person to be Lord High
Admiral of this kingdom, nor have given orders
for commissions or letters of mart to private men
of war, of whom some are in present readiness to
set to sea and are only kept up for want of com-
missions, therefore the said Lords of his Majesty's
Privy Council having special trust and confidence
in the loyalty courage and good conduct of Captain
William Burnsyde, have nominated and appointed,
and by these presents do nominate and appoint

¹ Clydesdale.

² Lanark.

the said Captain William Burnsyde to be captain of the good ship or frigate called the Dogarvine¹ of Edinburgh, of forty tons burden or thereabouts and carrying eight pieces of ordnance with all ammunition proportionable, as a man of war commissioned in his Majesty's actual service, giving, granting and committing to the said captain full power, warrant, commission and charge to order and command the officers, soldiers and mariners of the said ship, with men, victuals, arms, artillery great and small, and all other warlike munition and provisions whatsoever, and therewith to set forth and go to sea and to search for, follow and pursue after, as also to take and apprehend and, in case of resistance, to fire, burn, sink and destroy the ships and goods of the French or Irish in rebellion against their Majesties, or the ships and goods of any of the subjects of the kingdom of France, or of any native Irish subjects within the kingdom of Ireland, or of any other inhabitants of the countries, dominions and territories of France, and of such within the kingdom of Ireland who are or hereafter may be engaged as enemies, rebels to our sovereign Lord and Lady, or who are abettors and assisters to such their enemies; as also to stay and arrest all other ships and vessels of whatsoever other kingdom, country, nation or people conveying any goods or merchandise in them belonging to the French King or to his subjects and inhabitants, or belonging to any persons within the kingdom of Ireland in rebellion against their Majesties, or of such as shall carry to them any soldiers, horses, ships or vessels or any arms offensive or defensive, or any munitions or provisions or any contraband goods or merchandise

¹ See p. 13, where the ship is described 'of Londonderry.' The Dogarvine was likely of Dogar or Ketch build and so called. See note on p. 155.

whatsoever, and bring the said ships so apprehended and arrested to any port or harbour of the said kingdom of Scotland, without breaking bulk or altering the property thereof, to be proceeded against and judged according to law in the High Court of Admiralty in the kingdom of Scotland, or in such other court or courts as by particular and special warrant and commission shall be sufficiently authorised for doing the same, and after such proceeding and adjudication to be sold and disposed of as of right appertains ; provided always that out of such ships and vessels as also out of all such goods, wares and merchandise whatsoever, as shall be judged lawful prize, there be paid to their Majesties the just fifteenth thereof, or the customs as shall be required by the Lord High Treasurer or the Lords Commissioners of his Majesty's Treasury, and the tenth to the Lord High Admiral or to any who shall have sufficient warrant and power to receive the same ; authorising the said captain generally to do and perform all and everything that towards the execution of the whole premises is necessary and requisite, promising to hold firm and stable all and whatsoever things shall be lawfully done by the said captain by virtue of these presents ; requesting you and every one of you the said kings, princes, dukes, governors of republics, magistrates of burghs, commanders of navies, governors of ports and castles, friends and confederates to our sovereign Lord and Lady, William and Mary, by the Grace of God King and Queen of Great Britain France and Ireland, Defender of the faith, &c., to acknowledge the said captain and the company of his ship as good and lawful subjects of their Majesties, authorised with this our commission for the execution of the premises ; and if the said captain come into your or any of your

harbours, bounds, castles or territories with or without any prize or prizes to be taken by him, that ye furnish him with victuals and other necessities upon his reasonable expenses, and that ye resist all violence that may be offered to him, his company and equipage, to their ships or goods, and that ye show all other rights of common friendship and alliance to our sovereign Lord and Lady in treating the said captain and company, as ye may expect the like from their Majesties, or that those entrusted with the management of the public affairs of this kingdom shall be careful in all occurrences of that nature to cause the like be shown to you and your subjects: Ordaining this our commission to continue and endure aye and while the same be recalled by the King's majesty or by us ; and, lastly, ordaining the said captain, before he shall act anything by virtue of these presents, to find sufficient caution acted in the books of Privy Council for the faithful observing and performing all things requisite on his part according to the true meaning of this our commission and for observing such articles and instructions as his Majesty shall give touching the premises. Signed by warrant from and in name of the Lords of his Majesty's Privy Council for the kingdom of Scotland by the said Duke of Hamilton, their president, at Edinburgh the thirty day of May, One thousand six hundred and eighty nine years.

Ibidem.

Edinburgh. 30th May, 1689.

Commission in Favour of Captain Andrew Douglas.

The like commission granted to Captain Andrew Douglas to be captain of the ship called the Phoenix

of Glasgow¹ of fifty tons of burden and eight pieces of ordnance.

Ibidem.

Edinburgh. 30th May, 1689.

Commission in Favour of Captain John Woodsyde.

The like commission also granted in favour of Captain John Woodsyde to be captain of the ship called . . . of . . . tons and . . . pieces of ordnance.

Ibidem.

Edinburgh. 6th June, 1689.

A letter from Hugh Montgomery, brother to the Laird of Skelmorlie² anent the two frigates of war being read, the following answer was directed to him from the Board :—

Letter to Hugh Montgomery.

Sir,—His Majesty's High Commissioner³ did communicate to the Council your letter of the fourth instant, and they require you to write to Captain Hamilton and Captain Brown to stay out with the frigates till further order, and that you immediately give direction to make biscuit at Glasgow for their use; and as to the three boatmen mentioned in your letter that you cause bring them up to New Port Glasgow to be secured there, if you find that they are prizes taken from the enemies. And the Council do require you with all expedition to repair to Edinburgh to receive further orders in relation to the said frigates. This in name of his Majesty's Privy Council is

¹ See p. 15, where the ship is described 'of Coleraine.'

² Sir James Montgomery associated with Lords Annandale and Rosse in 1690 in the Montgomery Jacobite plot.

³ William, Duke of Hamilton, President of the Convention Parliament.

signified to you by your affectionate friend (*sic subscribitur*), CRAFTURD.

The London Gazette, No. 2461.

Edinburgh. 6th June, 1689.

The two Scots frigates that are cruising between Scotland and Ireland have taken 50 men of the Macdonnells and the McAlisters that were going from Argyllshire over to Ireland.

English Admiralty Minutes 3, No. 1, Public Record Office,
London.

10th June, 1689.

Captain Rooke's letter of the 1st inst. off of Kintyre Cape giving an account of his actings against some Scotch rebels upon the Islands called Geiga and Lara¹ and of his want of provisions for himself and those other ships and vessels with him: Ordered that he be acquainted that directions are given for their being supplied with provisions for completing them for three months each, and that the Navy Board be directed to send them by the convoy now going to Londonderry, and that they write the master of ordnance to acquaint him with what Captain Rooke writes of his want of ammunition and to supply the same.

Minutes of the Privy Council of Scotland.

Edinburgh. 11th June, 1689.

Remit anent the Two Frigates.

The Lord High Commissioner and Lords of Privy Council remit to the commissary general and the general receivers to consider what expenses will be necessary for a new outrig of the two frigates.

¹ Probably Jura.

Ibidem.

Edinburgh. 20th June, 1689.

Order to the Commissioner General for buying biscuit, beer and pease, &c., to the two frigates.

His Majesty's High Commissioner and the Lords of his Majesty's Privy Council do hereby grant order and warrant to George Hamilton of Binnie, commissary general, to furnish such a quantity of biscuit and small beer with pease and brandy wine as may sufficiently furnish and provide the two frigates under the command of Captain Hamilton and Captain Brown until Lammas next, the said commissary general always taking receipt thereof from the said captains; and they do hereby also grant warrant to and ordain the said commissary general to buy two barrels of small powder from Mr. . . . Chads or Brooks out of the powder lately secured at Greenock for the use of the said two frigates, and to deliver the same to the said captains or either of them upon their receipt.

Order to Thomas McJarro for delivering salt beef to Binnie.

His Majesty's High Commissioner and the Lords of his Majesty's Privy Council do hereby grant order and warrant to Thomas McJarro of Barr, surveyor at Ayr, to deliver to George Hamilton of Binnie, general commissary, the salt beef taken from on board the French ship and allow the said commissary general to deliver such quantity thereof as will be necessary for furnishing the two frigates till Lammas next, upon receipt of Captain Hamilton or Captain Brown, and also

allow the said commissary general to satisfy the surveyor for his usual share of the seizure due to him.

Recommendation to Colonel Balfour for delivering cannon ball, firelocks and swords to Binnie for the frigates' use.

His Majesty's High Commissioner and the Lords of his Majesty's Privy Council do hereby recommend to Colonel Balfour, brigadier general, to deliver to George Hamilton, commissary general, for the use of the two frigates under the command of Captain Hamilton and Captain Brown one hundred swords, sixteen firelocks and such a quantity of cannon ball as he shall think necessary for the use of the said two frigates, which they appoint the said commissary general to transmit to the said captains and take their receipts thereof. There are one hundred and ten cannon bullets.

English Admiralty Minutes 3, No. 1, P.R.O. (résumé).

29th June, 1689.

Directions are given to any of his Majesty's yachts at Greenock or any other vessel there to carry David Cairnes to the Lough of Londonderry with letters to Major General Kirke, and return with him. Copy of same is sent to Captain Rooke.

Minutes of the Privy Council of Scotland (résumé).

Edinburgh. 3rd July, 1689.

Letter from the Council to Major General Mackay as to his proceedings in Lochaber and the West Highlands, in which the Council say,—‘we have likewise ordered the two frigates to cruise on that coast.’

Ibidem.

Edinburgh. 4th July, 1689.

Warrant to Captain Cairnes for pressing a vessel and horse, and missive to Captain Hamilton.

His Majesty's High Commissioner and Lords of his Majesty's Privy Council do hereby give order and warrant to David Cairnes Esquire to press two horses for dispatching him in their Majesties' service, he paying according to the rates of the country, and ordaines all magistrates of burghs, collectors or other officers to concur with and assist him in pressing of a vessel for transporting of him from this kingdom to Ireland with all expedition upon his own reasonable charges and expenses.

The letter after specified from the Board to Captain Hamilton anent Captain Cairnes, Esquire, is as follows :—

The bearer hereof David Cairnes, Esquire, being sent by his Majesty to the kingdom of Ireland with commands for Major General Kirke, you are required by his Majesty's High Commissioner and the Lords of Privy Council to transport him from Scotland to any place of the next Irish coast or on board of any of his Majesty's frigates near the Lough of Derry he shall desire, and from thence to return with Captain Brown to the Sound of Mull and there destroy or secure all boats and barks on that coast, and hinder and obstruct all passage from Ireland to that part of Scotland or from the Isles to the Continent ; and you are to obey the further necessary orders from the Earl of Argyll, who is presently to go into that country. This by warrant and in name of the Council is signified to you by your assured friend (*sic subscribitur*),
CRAFURD, P.¹

¹ See note, p. 16.

Memoirs of the Scots War by Major-General Mackay¹
(Bannatyne Club), p. 46.

About this time King James being advertised that the Highlanders would lose their patience, seeing the so often renewed promises of succours like to fail for good and all, commanded Brigadier Cannon with 500 Irish to embark upon three small French frigates at Belfast in Ireland for the succour of Dundee, with large promises to make them quickly be followed by a greater number ; who, having upon their way met two little Scots vessels armed for the guard of that coast, and to hinder the passage of Irish into the Highlands, forced them and landed their men safely in the Isle of Mull, from whence they joined Dundee with his party.

Broadside bound up with the London Gazettes of 1689 in the
British Museum.

A Full and True

RELATION

of the

REMARKABLE FIGHT²

Betwixt

Capt. Hamilton and Capt. Brown,

Commanders of the Two *Scotch* Frigates

and

Three *French* Men of War

That *brought over the* Irish men to join Dundee
in the western sea, as it was delivered to some of
the Privy Councillors in Scotland, by those that
were eye witnesses during the whole action.

Licensed Aug. 2, 1689.

J. FRASER.

¹ General Mackay of Scoury afterwards served with distinction in Ireland and in Holland. He was killed in 1692, at Steinkirke.

² On 10th July, 1689. See also Brown's *History of the Highlands*, vol. i, p. 151.

In regard that the bravery and gallantness of the last actions of Captain *Hamilton* and Captain *Brown's* lives are so remarkable, and not frequently paralleled, I think it not amiss to give you a particular and distinct account of them as it was delivered to some members of the Privy-Council here, by one of the lieutenants of those frigates, that had the good fortune to come off after he had been taken prisoner, and by other persons now in town, who were present, and witnesses of what past, which was thus. On *Wednesday* the 10th of *July*, Captain *Hamilton* commanding the *Pelican* carrying 18 guns and 120 men, and Captain *Brown* of the *Janet* frigate, carrying 12 guns and 80 men as they were cruising between the Mull of *Kintyre* in *Scotland* and *Carrickfergus Lough* in *Ireland*, happened to discover at sea to the southward three sail of ships, to whom they immediately ply'd up, and when they came within such a distance as to be able to discern them, they observed them to look like English built ships, carrying the English flag and colours, which led them into the mistake of believing them to be English and friends. This obliged them to make up close to them to salute them; but they did no sooner perceive their error, than they found it impossible to retreat, they being three French men of war, having on aboard a battalion of 400 men of Colonel *Porsil's* regiment of foot, that was going to join *Dundee*, the biggest of them carrying 36 guns, the second 30, and the third 24 guns. And so to action they fell immediately, and fought it with all the gallantry and resolution imaginable with their guns above an hour. The two lesser frigates fell to Captain *Brown's* share to engage with, and when his main mast was shot down they came and lay aboard him, in which action his right arm

was shot off with a canon bullet ; yet notwithstanding he maintained the fight resolutely, and continued giving directions and orders to his men, until he received seven musket bullets in his body, the last of which killed him dead. One *Campbell* his lieutenant maintained the fight with the same gallantry until being overpowered by the enemy's men, who after great slaughter coming on board found the lieutenant lying on the deck, shot through the right thigh the right shoulder and left arm, having only fourteen men alive, whereof eight were wounded and disabled. Captain *Brown's* ship being thus taken, these two frigates join the great one, and all three fall on Captain *Hamilton*, who made his part good against the French man alone, and when his ship had been much battered and torn, the two biggest ships came and endeavoured to board him ; and with them he fought a considerable time, his ship being better provided for a close fight than Captain *Brown's* was. He had the misfortune to be thrice boarded by the enemy, and the courage to clear his deck as often of them. At last his forecastle and steerage being torn open by the violence and frequency of the enemies shot, and hand granadoes doing much mischief to his men, the enemy boarded him the fourth time in great numbers, so that looking upon himself and his ship for lost, as his last effort gave orders to his gunner to go down to the hold and blow up the ship ; and he no sooner gave the word of command for executing what he had purposed to do, but a cannon bullet at random shot from the third ship came and dispatcht him, and hindered his last orders from being obeyed. And so his ship fell into the enemy's hands, and of the 120 men he had on board, only thirty men were found

alive, whereof the greatest part were wounded and much disabled. In this action there were killed of our people, the two captains, one hundred and fifty-six men; and of the enemies one French captain, two lieutenants, two hundred and eighteen men, and many wounded.

This account we have from some that were taken, and now have made their escape, and from those that have been aboard the French ship since the action, as also from some of those Irish that were taken prisoners since that time, all their relations agreeing as above is mentioned.

London, printed for Rich. Chiswell, at the
Rose and Crown in *St. Paul's Church Yard*, 1689.

The London Gazette, No. 2473.

Edinburgh. 13th July, 1689.

This morning we had an account that 7 or 800 Irish were landed in Argyllshire having been transported by three French men of war and several other vessels from Carrickfergus; but its not doubted the Earl of Argyll, the Earl of Glencairn and the Earl of Eglintoun, who are ordered to march westward with a considerable body of men will very quickly give a good account of them. Its said that the two little Scotch frigates that were cruising happening to meet the said French ships were taken by them after having made the best defence they could.

Ibidem.

Edinburgh. 18th July, 1689.

We do not yet hear that the Irish which came from Carrickfergus, under the command as it is

said of Colonel Buchan, are landed anywhere, but the account we gave you in our last of a boat being taken with some horses in the west is not only confirmed, but their number proves to be greater than was at first reported, we being certainly informed that there are taken 20 horses and 30 men.

English Admiralty Minutes 3, No. 1, P.R.O.

18th July, 1689.

Ordered that the Secretary write to Captain Rooke commander of the Deptford to let him know that the Commissioners have received intelligence that three French men of war have taken the two small Scotch men of war, and have landed several men in Scotland from Carrickfergus, that therefore my Lord Torrington was writ to last night by express to send him three fourth rates to strengthen his squadron

London Gazette, No. 2475.

Edinburgh. 25th July, 1689.

The Irish that came from Carrickfergus are landed in the Isle of Mull, not exceeding 300 men in all. . . . It is said that those Irish who came from Carrickfergus, and also some of the Macleans are joined with Dundee.

Minutes of the Privy Council of Scotland (résumé).

Edinburgh. 26th July, 1689.

On a petition by Alexander Leckie and Robert Lenox, merchants in Londonderry, the Council grant a pass for a small vessel which they have freighted, called the Prosperitie of Glasgow (William Adair, master), of about forty-five tons

burden, with four guns, for carrying provisions to their friends and relations in Londonderry, the petitioners finding caution in 2000 merks that the cargo shall be conveyed to Londonderry, if possible, and shall not be disposed of to any of his Majesty's enemies.

Ibidem.

Edinburgh. 7th September, 1689.

*Act in favour of Elizabeth McGibben and others
[widows of] Mariners in the Frigates employed
by the Estates.*

Anent a petition given in to the Lords of his Majesty's Privy Council by Elizabeth McGibben relict of the deceased Uchter Herbertson, mariner in Glasgow, shewing that where the petitioner's husband having engaged in his Majesty's service under the command of Captain John Brown to serve in the good ship called the Janet of Glasgow as a mariner, which was freighted by the Estates of this kingdom for cruising betwixt Scotland and Ireland, for which service her deceased husband was to have eighteen pound Scots a month during his service, which was from the time the said ship first sailed from New Port Glasgow, till the time she was taken, and at which time the petitioner's husband was killed, being in all two months and one half, and the petitioner and her children through the loss of her husband and by whose industry she lived are now become in a very lamentable condition; and for instructing of her husband's service the petitioner produced therewith a certificate under the hand of Hugh Montgomery, brother german to Sir James Montgomery of Skelmorlie, who was commissary to

the said ship, nor did she or her husband receive any of the wages, and therefore humbly supplicating to the effect aftermentioned. The Lords of his Majesty's Privy Council having considered the above petition with the testificate produced therewith, with other testificates for Agnes McLeine, spouse to George Martine mariner in the Pelican, and Elizabeth Pollock, spouse to James Dean sailor in the said ship, and Elizabeth Cairnes, spouse to James McRae mariner therein, they recommend to the president of Council to draw a precept upon the general receivers for payment to the said four persons above named of two months and one half's pay due to their deceased husbands, conform to the establishment.

Ibidem (résumé).

Edinburgh. 16th September, 1689.

Warrant is granted to Margrat Dreden, wife of James Mulline gunner in the Janet, and to Mary Montgomerie, wife of Heugh McClemun quartermaster of the Pelican, and to Janet Tulloch, wife of William McCrae mariner in the Janet, each for two and a half months pay during the whole time these ships were out.

Edinburgh. 26th September, 1689.

Warrant is granted to the fathers of James Andersone boatman's mate in the Janet and of David Reind mariner in the Pelican, who at the time of the unhappy engagement with the French were taken prisoners and carried away to . . . in Ireland, where they now lie in a most miserable and starving condition, having nothing to maintain themselves, neither have they received a farthing of their Majesties' pay since the out-

rigging of the said frigates, betwixt which time and the engagement was two months and one half, the one at thirty shillings sterling the month and the other at twenty-three shillings, for two months and one half's pay due to the said James Anderson and David Reind as ordinary mariners, to the effect they [the fathers] may transmit the same to them for their subsistence and maintenance, thereby to prevent their utter ruin and starving condition.

Ibidem (résumé).

Edinburgh. 3rd October, 1689.

Warrant is granted to Janet McMurke, spouse to Fergus McNeill, Janet Air, spouse to Robert Black, Kathrin Wilson, spouse to Adam Gardner, and Marion Gardner, spouse to Alexander Hunter, for two and a half months pay due to their husbands for service as mariners in the Pelican and Janet.

The same day Agnes Hamilton, spouse to James Blair, Hellen Orock, spouse to John Kyle, Agnes Wilson, spouse to Richard Beattie, Alexander Bell, son to Robert Bell in Borrowstounness,¹ and John Coldhame, son to John Coldhame in Blackness, on the narrative that the petitioners' husbands were all of them employed in their Majesties' service as mariners in the two frigates called the Pelican and the Janet, when the said ships had the misfortune to be assaulted by three French ships, and notwithstanding of their vigorous resistance to the utmost of their power were taken in July last, the said captains being slain and the petitioners' husbands carried by the French to Dublin in Ireland, where they

¹ Bo'ness.

were in a miserable condition among the Irish, petitioned for three months' pay resting¹ to their husbands for their service in the said ships as mariners, to help to bring home the petitioners' husbands to their own country and to supply the petitioners' present need, while some of them are lying in childbed and others near their delivery. Warrant is granted for payment to the petitioners of two months and one half's pay due to their husbands and fathers respectively.

The same day, the Lords of his Majesty's Privy Council having considered a petition given in by the wives and relations of eleven of the seamen who were under Captain Hamilton and Captain Brown's command, conform to the list therewith produced, they recommend to the Earl of Crafurd, president of Council, to draw a precept upon the general receivers for payment of two months and one half's pay to Euphan Tarbat, spouse to John Hunter, seaman, to Euphan Law, spouse to William Hunter, to Isobel Sheill, spouse to Robert Hunter, seaman, to the said Isobell Scheill for Robert Hutcheson, her son, to the said Isobel Sheill for James Hunter, her stepson, to Margaret Campbell for Robert McKonochie, her husband, boatswain of the Pelican, to James Bishope for the deceased George Bishope, his son, who was killed at the engagement, to Marion Clunie, spouse to James Hunter, seaman, to Janet Davidstone, spouse to Andrew Ford, boatswain of the Janet, and killed at the engagement, to Grizell Davidson, spouse to Richard Young, carpenter aboard the Pelican, and to the said Grizell Davidson, aunt to James Hardie, mate to the carpenter.

¹ Owing.

Ibidem (résumé).

Edinburgh. 15th October, 1689.

The Lords of his Majesty's Privy Council on a petition given in by James Campbell and Archibald Ure, mariners in the Janet frigate, recommend payment of two months and a half's pay due to the petitioners, payable to William Campbell, father to the said James Campbell, and to John Miller, uncle to the said Archibald Ure, upon their receipts of the same.

The same day a similar act is made in favour of Donald Campbell, mate of the good ship called the Janet.

Ibidem (résumé).

Edinburgh. 17th October, 1689.

A similar act is made in favour of Christian Home, spouse to William Martine, skipper of the Pelican on a deposition bearing that the said William Martine had served as mate to Captain Hamilton during the whole space she was out, for two and a half months' pay.

Ibidem.

Edinburgh. 28th October, 1689.

Anent a petition given in to the Lords of his Majesty's Privy Council by Elizabeth Miller and Margaret Wilson in Greenock, and Ronald Balintyne, skipper of the Pelican, shewing that where James and Adam Ferguson and John Wilson, who died upon the place, were mariners in the ship called the Janet under the deceased Captain Brown his command, and Richard Potts, William Fyfe, Patrick Chalmers and William Hunter

were mariners in the Pelican frigate, under the deceased Captain Hamilton, his command, during the whole voyage, and such as are alive being now prisoners in Ireland, and that the petitioners had only interest to seek their pay during their service and to look to their relief . . . : Warrant is granted by the Lords of his Majesty's Privy Council . . . for payment to Elizabeth Miller of the two months and one half's pay due to James and Adam Ferguson and to Margaret Wilson for the pay due to John Wilson, her brother, during the space foresaid, and to Ronald Balintyne for the pay of two months and one half due to William Fyfe, Patrick Chalmers and William Hunter, and for the payment of two months due to Richard Potts.

Ibidem.

Edinburgh. 1st November, 1689.

Act in favour of John Miller, Skipper of the Janet Frigate.

Anent a petition given in to the Lords of his Majesty's Privy Council by John Miller, skipper of the Janet frigate, and Daniel Campbell, his mate, shewing that where Mathew Muir and the deceased James Kennadie, being both mariners in the said frigate, and one of them as yet being under severe imprisonment in Ireland, and that the petitioners had good and undoubted right, under their nearest relations' hands, . . . and craving the said Lords to order the general receivers to make payment to them thereof for the said Mathew Muir and James Kennadie : The Lords of his Majesty's Privy Council . . . recommend payment to the said Daniel Campbell for the pay due to the said Mathew Muir and to the said John

Millar and Andrew MacInturner,¹ or either of them, the pay due to the said James Kennadie, as mariners, for the space of two months and one half.

Ibidem.

Edinburgh. 7th January, 1690.

Letter to the Duke of Schomberg² anent Prisoners at Kinsale.

The letter underwritten from the Lords of Privy Council to [the] Duke of Schomberg was read and subscribed by the Earl of Craford, chosen president in absence of their president, of the which letter the tenor follows :—

My Lord,—The Council understand that Claud Hamilton, nephew to the deceased Captain Hamilton, commander of one of the Scotch frigates taken by the French in May last, for himself and in name and behalf of one hundred and forty-two of his fellow prisoners at Kinsale,³ hath supplicated your Grace for their relief out of the miserable circumstances they have lain under these six months bygone, by exchange of the like number of rebels formerly under the command of the Lord De Clare⁴ and taken by some of the forces under your command, and that your Grace did not think the matter cognisable by you without application first had been made to the Council of Scotland or the Lords of the Admiralty of England, and the said Claud Hamilton for himself, and in name of his fellow prisoners have made application to the Council; and they, considering that he and they have done good service to their Majesties, and

¹ Writer in Greenock.

² Sometimes written 'Schonberg,' 'Schonberge,' 'Skonberge,' and 'Shomberg.'

³ Sometimes written 'Kinsail,' 'King-sail,' and 'Kingsaile.'

⁴ Daniel O'Brien, Viscount Clare.

that their captains were killed and themselves taken by the French in their service, and being able seamen and most willing to be again employed in their Majesties' service they may be very useful at present in their navy, they do therefore seriously recommend to your Grace that ye will be pleased to take this matter to your serious consideration, and to allow the like number of rebels whom you have prisoners at Londonderry, Inshkillin¹ or other places, to be given in exchange for them, so that the ruin of these poor men may be prevented, their Majesties' interest advanced and others encouraged hereafter to hazard in their service. This by warrant and in name of the Council is signified to your Grace by, my Lord, your Grace's humble servant (*sic subscribitur*),

CRAFURD I.P.D.S. Con.²

Ibidem.

Act in favour of Claud Hamilton.

Anent a petition given in to the Lords of his Majesty's Privy Council by Claud Hamilton, nephew to the deceased Captain Hamilton, for himself and in name and behalf of his fellow prisoners at Kinsale, shewing that upon the taking of Captain Hamilton's and Captain Brown's two frigates employed in their Majesties' service, the petitioner and about 142 more that were in these two frigates were made prisoners in shackles and put aboard an old rotten ship in the harbour of Kinsale, where they were many weeks kept in unexpressible misery and at length brought in and kept prisoners in a house at Kinsale, where it pleased God to move the compassion of some

¹ Enniskillen.

² In presentia Dominorum Secreti Concilii.

Protestants to afford them some small supply: It happened that the Lord De Clare having a considerable number of his men taken at a conflict with the Inshkilling men, he was moved out of compassion to the prisoners and for relief of his own men to allow of a motion to be made to the late King his Secretary of War for exchange, man for man; and the Scots prisoners having pitched upon the petitioner to negotiate the exchange, the Lord De Clare allowed him his pass, with a letter to the said Secretary in order to the exchange, who was by the interposition of the said Lord satisfied therein, as the said Lord De Clare's pass and an act under the Secretary's hand with his pass to go to their Majesties' camp for supplicating the Duke of Schomberg, the general, for the said exchange there to show would instruct. Accordingly the petitioner for relief of himself (who is got out on parole) and of his poor fellow prisoners, having for many days travelled with the danger of his life amongst the Irish, at length made his application to the Duke of Schomberg by a petition, who by a deliverance thereupon thought the matter not cognoscable by him without application first made to the said Lords of Council or Lords of the Admiralty of England, as the petition with the deliverance thereupon therewith produced bears. And now, seeing the petitioner had done all the thing that was in his power and could not effectuate the said relief, and that he and his fellow prisoners were lawful prisoners of war being in their Majesties' service by public commission, the petitioner was at length with great difficulty come to apply himself to the said Lords and was most willing and ready to serve their Majesties either in fleet or army when liberated; and therefore humbly

craving the said Lords to commiserate the petitioner and the other prisoners their sad and miserable condition, and to write to his Grace the Duke of Schomberg to make an exchange in equal number of as many prisoners belonging to the Irish army now in custody at Inshkillin, Londonderry or any other place in the north of Ireland, with the petitioner and the foresaid prisoners belonging to the Scots frigates; and, in order to their more effectual releasement, would also be pleased to write to the Secretary¹ to interpose with his Majesty to give a warrant to [his] Grace the Duke of Schomberg for the foresaid exchange, without which the petitioner would be necessitated to return to the foresaid garrison at Kinsale and there to undergo all his former miseries, which unquestionably would be augmented in case the foresaid releasement were not obtained; and in the meantime for his present subsistence that the said Lords would be pleased to order payment to be made to the petitioner of seven months pay that is due to him for his uncle's Captain Hamilton's frigate for defraying the expenses of his long imprisonment and travel, which hath not been without great hazard of his life and penury, and for the better enabling of the petitioner to effectuate his own and his other fellow prisoners' liberty, he having a wife and five small children and no means nor estate whereupon to maintain them but what he wrought for, as the said petition bears. Which being read in presence of the said Lords and seen the instructions above mentioned, they ordained a letter to be written to the Duke of Schomberg and another to the Secretary of State¹ in favour of the petitioners for their liberation, and recommended to the Earl of Craford,

¹ George, fourth Lord Melvill, and first Earl of Melvill (1690).

elected president of Council in absence of their president, to draw a precept upon the general receivers for payment to the petitioner of seven months' pay as a seaman in Captain Hamilton's ship. After pronouncing of which interlocutor the said Lords having this day again considered the said petition, they recommend to the Earl of Craford to draw a precept upon the general receivers for payment to the petitioner of fifteen pounds sterling, and that in place of the seven months' pay, and for the loss he has been at during his imprisonment.

The London Gazette, No. 2552.

From on board their Majesties' ship the
Monk, in Dublin-Bay, 19th April, 1690.

On the 17th instant, as we were cruising athwart Dublin Bay, we saw the Ruby, with the ships under her convoy from Bristol. The 18th in the morning we stood into the bay, and saw a ship a mile within the bar at a place called Potebege, and being come to an anchor, Sir Cloudesley¹ Shovell went on board the Monmouth yacht, and at a little more than half flood, the wind being northerly, with the said yacht, two men of war hoys, a ketch and the pinnaces, went over the bar, upon which the ship before-mentioned removed above a mile higher up to Salmon Pool, and there ran aground within shot of a French man of war of 12 guns, and 2 or 3 English ships that lay aground filled with soldiers, who kept firing at us. We followed and attack'd her, and after some dispute, Sir Cloudesley Shovell made a sign for the fireship to come in, which when the enemy perceived, they forsook their ship, and

¹ Sometimes written 'Clouesly' and 'Clowdisley.'

got away in their boats. We went on board, and got out an anchor, and by heaving some of her things overboard brought her off. In turning out, the wind veering out of the sea, one of our hoys ran aground, and we could not get her off before the water fell away from her; therefore we all lay by her, and got her anchors out ready to heave off next high water. At low water the hoy was on dry ground, and many thousand people came upon the strand, where was likewise the late King James with his guards. We lay in our boats armed, and two Protestants among many others that were running about the sand at length got to us. The guards, to show their briskness, advanced towards us, and among the rest a French man came riding to the water side, and called us in English, as well as he could, a great many hard names, and fired his pistols. We shot his horse and rowed ashore; the French man slipt his legs out of his boots and ran away, but the sailors went ashore and unrigged his horse. The ship we took was the Pelican, the biggest of the two Scotch frigates taken last summer. She had twenty guns and above 40 men; 3 or 4 we found dead on the deck, and one wounded, as also a Spaniard and an English man, who were forced aboard. They informed us that 12 men were killed, that several that went ashore were wounded, and that she lay there to take in some of those goods which the late King James had forced from the Protestants for his brass money. This was one of his best men of war. Captain Wright, commander of the Monmouth yacht, was very serviceable to us, for besides his carrying us in, he behaved himself very well in the action, as did all the officers and sailors in general, who showed an extraordinary forward-

ness to engage, and the chief officers of all the ships desired to go in their boats, expressing in this occasion a great zeal for their Majesties' service.

Record in the Admiralty Library, Whitehall.

Pelican Fireship (2 Decks) taken by Sir Cloudesley Shovell in Dublin Bay. Made a break-water at Sheerness.—Admiralty Order 26th August 1692, and Navy Board Warrant, 13th September.

Minutes of the Privy Council of Scotland.

Petition by John Campbell.

Anent a petition given in to the Lords of their Majesties' Privy Council by John Campbell, late lieutenant in the Janet frigate, shewing that where the petitioner having engaged as lieutenant in the said frigate under the command of the deceased Captain Brown, . . . and having continued in the said service and, he hoped, had faithfully discharged his duty, until the tenth of June [? July], 1689, that they engaged with some ships carrying recruits from Ireland to the rebels in the Highlands, where the captains and many others being killed the petitioner was wounded in three several places, and all his gold and money and goods seized upon to the value of £150 sterling, and thereafter was taken prisoner and carried to Kinsale and transported from place to place at the rebels' discretion where he was reduced to the utmost extremities, having only the allowance of a penny a day, scarce enough to sustain his natural life, and kept at that rate for eight months in a most cruel and inhuman manner, because he

would not accept of any commissions or engage any way with the rebels, till at last by a good providence of God he procured his liberty ; and the petitioner never having received a farthing of his wages, which were agreed to be six pounds sterling per mensem, and fourteen pounds Scots for his servant, the petitioner humbly expected that the said Lords would order the same to be paid to him from the time of his accepting the charge, which was the first of April, 1689, till this day: And seeing his wife and family reside in England, and, that he was hastening thither designing of new to engage in their Majesties' service by sea, he hoped the said Lords would order his dispatch. . . . The Lords of their Majesties' Privy Council having considered the above petition . . . recommend . . . payment to the petitioner of four pounds sterling per mensem for his pay as lieutenant in the foresaid ship, and twenty shillings sterling per mensem for the said Patrick Campbell, now servant to the petitioner, his pay as a seaman in the said ship from the said first day of April, 1689, to the fifteenth day of October instant, and ordain these presents to be recorded in the books of Treasury before payment.

Ibidem.

Edinburgh. 13th November, 1690.

Act in favour of John Hamilton.

Anent the petition given in to the Lords of their Majesties' Privy Council by John Hamilton, now of Ladyland, eldest lawful son and heir and also executor to the deceased Captain William Hamilton of Ladyland, and William Hamilton, his second lawful son, shewing that where the

said late Captain William Hamilton being in the beginning of the month of April, 1689, employed and commissioned by the said Lords as captain and commander of one of the two frigates put to sea in the west of Scotland for securing of the coast thereof and discovering and preventing any hazard and damage which might come thereto or the kingdom of Ireland by the French fleet or their pirates, and who by his commission was empowered to command and give orders to the other ship, whereof the late John Brown was appointed captain, the said Captain Hamilton accepted the said office, and accordingly did officiate therein together with the said William Hamilton, his son, as his scrivener, until the tenth day of July, 1689, that he lost his life by the French in defending himself and the ship against them; and the ship and all that was therein was made prize, as was well known to the said Lords, and the said William Hamilton, one of the petitioners, was taken and carried prisoner to Duart Castle in the Isle of Mull, where he lay and continued in a most miserable condition hardly to be expressed until the sixteenth day of October, 1689, that he was necessitated to relieve himself by his own money, which and his other expenses thereanent cost him above five hundred merks Scots, by and attour¹ all the misery otherwise sustained by him; for all which service the said deceased Captain Hamilton nor the petitioner never yet sought nor received any pay nor other reward from his Majesty nor their Lordships, and therefore humbly supplicating to take the premises to their most serious consideration and ordain the petitioners to be satisfied of the pay due to the said Captain Hamilton, and the petitioner, the said

¹ See note, p. 7.

William Hamilton, for the service foresaid, and of the other damages and losses sustained in the said expedition, conform to such quantity, measure and manner as their Lordships shall judge equitable and reasonable as the said petition bears. The Lords of their Majesties' Privy Council having considered the above petition, they recommend to the Lords of their Majesties' Treasury to cause payment be made to the above William Hamilton of such pay as they shall find due to him for his above service, and also to cause payment be made to the executors of the above deceased William Hamilton or any others who shall be found to have best right to the pay due to the said John.

CHAPTER II

*THE REVOLUTION AND WAR WITH
FRANCE (continued), from August 1689 to
December 1694.*

INTRODUCTION

WITH the capture of the two hired frigates, the Pelican and Janet, and with the raising of the siege of Londonderry, the Scots Navy for the time being ceased to exist. The death of Dundee at Killiecrankie in the hour of victory on 27th July, 1689, the defeat of his successor Brigadier Cannon at Dunkeld, and his subsequent retreat in the winter of 1689-90 to Mull, on the dispersal of the Jacobite Highlanders, eased the military situation in Scotland for William. That situation, however, still rendered a careful policing of the western seas necessary so long as James ruled in Dublin. These narrow seas continued to be held by a small squadron of the English fleet which was for some time under the command of Captain Rooke. On 12th October, 1689, the squadron¹ detailed for this and Irish Channel duty was the Monck third rate, the St. Albans, the Dover and the Advice fourth rates, and the Dartmouth and Sapphire fifth rates. These kept the Jacobites in the west of Scotland in awe, and under their cover William continued to send over from England and Scotland considerable reinforcements to Ireland. In 1690 Captain Pottinger of the Dartmouth commanded the squadron on the western station of Scotland one of which was the Lark, commanded by Captain Andrew Douglas, late of the Phoenix privateer. The Dartmouth

¹ *Admiralty 3, No. 2 (Minutes), P.R.O.*

and the Lark, with the assistance of a small hired Scots ship the Lamb of Glasgow, did valuable service in 1690 in reducing the western Highlanders. The Dartmouth, which had distinguished herself under Leake at the relief of Londonderry, was lost on 9th October, 1690, in the Sound of Mull, Captain Pottinger¹ and most of the crew being drowned.

The beginning of 1690 saw the reinauguration of a policy, practised during the Continental wars of Charles I and Charles II, of recruiting part of the personnel of the English Navy from the seamen and fishermen of Scotland on terms favourable to Scots shipping. These conditions were freedom of Scots seamen from impressment into the English Navy, equality with England in the exchange of prisoners of war, and the same rates of naval pay for Scots and English. Though an account of this policy may be more germane to a history of the English Navy, it may not be out of place to include it here. This policy was repeated in Scotland in the spring of 1692, and in March, 1693, when the same benefits of hospital treatment as English seamen received were extended to Scotsmen serving in the English Navy. The supply of seamen was however inadequate, and on 2nd May, 1693, the Privy Council had recourse to the ballot to secure the necessary quota. The protection granted by the Privy Council on 13th February, 1690, to the Scots merchantman Rachel of Dundee against the impressment of her crew, arose out of the concession against the press, as did also the incident of 8th November, 1692, when the Privy Council ordered the release of seamen belonging to another Scots merchantman the Swallow of Leith who had been pressed by Captain Kiggins of the Greyhound frigate.

The complete dependence of Scotland on the English fleet was for several reasons not satisfactory. The presence of English men-of-war in Scottish territorial waters, notwithstanding the desire of the Scots Privy Council to get them on to the Scottish station, and a

¹ See also Charnock's *Biographia Navalis*, vol. ii, p. 363.

strong desire to co-operate with them when so employed, gave rise from time to time to difficulties and conflicts of jurisdiction, which nothing but the creation of an independent Scots Navy, or a corporate union, could solve. On 7th April, 1690, the Privy Council credited Captain Pottinger with six weeks' provisions for the use of his three ships in case he had not got payment from England. On the other hand, his arrest of two Glasgow vessels in September, 1690, for bringing tobacco presumably from the English Colonies in America without entering the same in England gave rise to acrimonious diplomatic correspondence. On 9th December, 1690, the Scots Privy Council represented that in their opinion no ship in Scots harbours could be summarily seized by an order from England, Scotland being an independent nation. In June, 1691, a similar question arose when Captain Ivory of H.M.S. *Pembroke* on the Scottish station seized and attempted to carry away to England from Port Glasgow the *John*, belonging to Thomas Weir merchant, Glasgow, which had arrived from Bilbao. On 28th April, 1692, Captain Roope of H.M.S. *Sheerness* was cited to appear before the Lord High Chancellor of Scotland for seizing in the road of Leith a neutral ship the *Emanuel* of Flensburg in Denmark, and seeking to carry her as prize to England without trial by the High Court of Admiralty of Scotland. The Scots Privy Council strongly resented English pretensions and asserted Scots jurisdiction and sovereignty. This stretch of jurisdiction on the part of England was the more resented when in May, 1693, a vessel with an English privateer's commission began to search Scots ships in the Firth of Forth for French goods and for tobacco from the Plantations. This and other complaints were again the subject of serious correspondence with the crown, and the prerogative of Scotland was so far maintained that the privateer's actions, according to the Queen's letter of 19th August, 1693, were disallowed by the English Court of Admiralty. Scots merchants on the Clyde were also in like manner harassed. In September, 1693, William Corss and other merchants of Glasgow—who had for some time

been troubled by a small privateer with an English commission boarding Scots ships and threatening to carry to England all Scots ships coming from America to be judged and made prize of by the Admiralty Court there—offered to equip a ship of 20 guns to protect Scots shipping from such unwarrantable interference; and the Scots Privy Council recommended the Duke of Hamilton, who had been appointed on 3rd March, 1692, Lord High Admiral of Scotland,¹ to grant the necessary commission.

These difficulties and complications of jurisdiction hastened the building up again of a small Scots navy; but the war with France and the depredations of French privateers on Scots shipping were even more effective in bringing again into being something in the nature of a Scots naval force. On the 30th of June, 1690, the French fleet under Tourville defeated the allied Dutch and English fleets at Beachy Head. Thereafter French naval effort in fitting out privateers to prey on the shipping of England and Scotland was encouraged. Even the sea victory of La Hogue in May 1692, which restored the predominance of the allied navies of England and Holland in the Channel, did not free the Scots coasts of French privateers. The destruction of their regular fleet drove the French more than before to the fitting out of privateers, which were a menace to the shipping of England and Scotland until the peace of 1697. There was therefore a continual call to provide protection for the sea-borne commerce of Scotland. On 11th February, 1690, the Privy Council issued a commission to Captain Bosswell, of the Providence of Kirkcaldy, to operate against the French and Irish in rebellion. The Lamb of Glasgow has already been referred to. On 9th July, 1690, letters of marque were issued to James Dalgleish, captain of the James of Queensferry, and to John Robertson, captain of the Reid Lyon of Queensferry. In March 1691 the William and Mary was bought and commissioned for the use of the garrison of Fort William. In May 1691 the Lamb of Glasgow was again commissioned and also the Grizell

¹ *State Papers (Scotland) Warrant Books*, vol. xv, p. 118, P.R.O.

of Glasgow. On 10th June, 1692, commissions were issued to Mathew Campbell, master of the *William* and *George* of Glasgow, and to Hugh Campbell for the *Elizabeth* of Argyll. This latter ship soon after received a commission from England, and, judging from the Privy Council minute of 20th March, 1693, was the privateer complained of by William Corss and other Glasgow merchants as interfering with Scots shipping. Captain Mathew Campbell¹ afterwards received a regular commission in the Scots Navy on 17th July, 1703, as captain of the *Dumbarton Castle*.

During this revolutionary period Robert Dunbar, a Scots Jacobite skipper, commanded a French privateer and was in March, 1693, proceeded against for the crime of perduellion.² Alexander Smith of Aberdeen was also, in December, 1693, ordered by the Privy Council to be examined on the charge of using a ship as a French privateer against his countrymen.

Mediterranean passes or safe conducts to go abroad, required by the articles of peace between England and the Barbary States of Algiers, Tunis and Tripoli,³ were issued by the Crown to Scots traders. One, dated 28th February, 1693, issued in favour of Thomas Gordon, master of the *Margaret* of Aberdeen,⁴ is given as an example of such documents, which were in reality letters of marque and reprisal. Thomas Gordon had a remarkable career. The account books of the shipmasters' society of Aberdeen show that he was trading from Aberdeen between 1688, when their oldest extant book begins, and 1693. His voyages embraced such distant places as Shetland, Stockholm, Norway, and Holland. On 17th July, 1703, he received a regular commission in the Scots Navy as captain of the *Royal Mary*.

¹ See also Charnock's *Biographia Navalis*, vol. iv, p. 39.

² Treason.

³ *Admiralty 3, No. 2 (Minutes)* in the P.R.O.

⁴ See the Stirling-Home-Drummond-Moray papers in the *Historical MSS. Commission Report*, 1885, p. 185.

CHAPTER II

Minutes of the Privy Council of Scotland (résumé).

Edinburgh. 6th August, 1689.

A Declaration of war is made against the French King and against his subjects, who have, among other things, invaded Ireland and maintained a rebellion there against his Majesty and sent ships to bring Irish forces for the invasion of Scotland.

Ibidem.

Edinburgh. 13th August, 1689.

Order to the Magistrates of Glasgow for providing four Pilots to His Majesty's [English] Men-of-War.

The Lords of his Majesty's Privy Council do hereby ordain the magistrates of Glasgow with all possible diligence to send in by land from that place or Greenock to Leith four pilots most expert and knowing of the islands and coasts from Orkney to the mouth of Clyde, with the necessary expenses for their journey from Glasgow to the port of Leith, for serving four of his Majesty's men-of-war in their voyage about the north and western coast, the captains of the men-of-war obliging themselves to restore and redeliver the said pilots at the mouth of Clyde after completing the said voyage.

Ibidem (résumé).

Edinburgh. 23rd August, 1689.

In a letter to Major General McKay from the Council he is informed that 'The four frigates which came down hither are several days ago gone on their voyage north about to cruise betwixt Scotland and Ireland. What they may do on the way in relation to their descent into any of the islands is much at their own discretion.'

Ibidem.

Edinburgh. 5th December, 1689.

Letter to the King.

The letter underwritten from the Council to the King's Majesty read, voted and subscribed in presence of the Council by the Earl of Craford, their president for the time, of the which letter the tenor follows:—

May it please your Majesty . . . We find the greatest part of the rebels to be in the Isles, which are more secure than these on the main, and do come over and join as they are called; and we conceive the most effectual way to hinder that communication and suppress both will be your Majesty's sending three frigates, which may destroy their boats and transport parties to the several isles, whereby they will easily subdue them and make them submit and give pledges for their obedience . . . (*sic subscribitur*),

CRAFURD.

Ibidem.

Edinburgh. 9th January, 1690.

Letter from His Majesty anent the Army, Levying of Seamen, &c.

The letter underwritten from his Majesty to the Lords of his Privy Council of the kingdom of Scotland anent the army, and levying of seamen, . . . &c., was read and ordered to be recorded, whereof the tenor follows :—

(*Sic suprascribitur*) WILLIAM R.—Right trusty and entirely beloved cousin and councillor, &c. . . . Our service at sea requiring more seamen than can be conveniently raised here at this time, we recommend to you to find out a way for raising a competent number of seamen, being resolved that the Scotsmen (if prisoners) shall be equally relieved with the English, and that Scots trading ships shall have protection for preventing their men being pressed. . . . So we bid you heartily farewell. Given at our Court at Kensington, the 4th day of January, 1689-90, and of our reign the first year. By his Majesty's command (*sic subscribitur*),

MELVILL.

Ibidem.

Edinburgh. 9th January, 1690.

Committee anent Seamen.

Recommended to the Earl of Leven,¹ the President of Session,² the Lords Aberurchell³ and Fountainhall,⁴ Major-General McKay, the Laird of

¹ David, second son of George first Earl of Melvill, succeeded as third Earl of Leven on 27th July, 1681.

² Sir James Dalrymple of Stair.

³ Sir Colin Campbell, Senator of the College of Justice.

⁴ Sir John Lauder, Senator of the College of Justice.

Blackbarony,¹ and Sir John Hall,² to draw an answer to his Majesty's most gracious letter, and a proclamation if necessary upon the King's letter, and to consider what method shall be taken for raising the seamen, and for that effect, if need be, to call some skippers before them and to hear what overtures they will offer for making his Majesty's design effectual.

Ibidem.

Edinburgh. 10th January, 1690.

Letter to His Majesty.

The letter underwritten from the Lords of his Majesty's Privy Council direct to his most excellent Majesty was read and subscribed by the Earl of Craford, chosen president of Council in absence of the Duke of Hamilton, their president, of the which letter the tenor follows :—

May it please your Majesty,—Your gracious letter of the fourth instant gives a fresh undoubted evidence of your Majesty's great affection and care towards this kingdom. More than could be expected on your Majesty's part hath been done to content and protect your subjects here. The entertainment of so many forces for our defence at your Majesty's charge with so tender a regard that the country be paid by the soldiers, your Majesty's gracious intention to secure our trading seamen from being pressed, and the assurance that your Majesty will take care that they will be released and exchanged when they are taken prisoners equally with your English subjects, must convince the world of your Majesty's extraordinary favour to this nation in all its concerns.

¹ Sir Archibald Murray. ² Lord Provost of Edinburgh.

. . . . We have provided a committee for providing of seamen for your Majesty's service. We have ordered drums to be beaten at all maritime places for listing of such seamen as are willing to engage, and for their further encouragement we have assured them (what we find to have been given formerly upon the like occasions) forty shillings sterling of advance, sixpence a day after they are enrolled till they be put aboard of the fleet, and thereafter the full pay which the English do receive. We have likewise written to all the magistrates of the maritime burghs to do exact diligence for raising what numbers of seamen they can, and to transmit lists of all the able seamen that are in their towns or amongst the coast. . . . This is signed in the name and at the desire of your Majesty's Privy Council by, may it please your Majesty, your Majesty's most dutiful and obedient subject and servant (*sic subscribitur*),

CRAFURD, I.P.D.S. Con.

Ibidem.

Edinburgh. 10th January, 1690.

Letters to Burghs anent Seamen.

The letter underwritten from the Lords of his Majesty's Privy Council direct to the magistrates of Kirkaldy for themselves and Peithhead was read and subscribed by the Earl of Craford, president of Council for the time, anent the levying of seamen, of the which the tenor follows :

His Majesty having by his royal letter of the 4th current recommended to the Lords of Privy Council to find out a way for raising a competent number of seamen for his Majesty's service, [narrative of conditions as in letter to his Majesty

of 10th January, 1690] [the Council] require you to give in a report of what seamen you have so taken on in the towns foresaid, with an exact list of the whole other seamen and fishermen within your bounds and places abovementioned betwixt and the day of that the Council may consider how far the seamen to be furnished to his Majesty's navy falls short, that so the same may be made up in a just proportion by lot out of the said other list of seamen without any levy or advance money to be given by his Majesty to those who shall be taken by lot and who shall not voluntarily list themselves, and the Council will take special care that just and due consideration be had of such towns wherein the seamen shall voluntarily list themselves when the Council falls upon the other method abovementioned for effectuating the said levy. This by warrant and in name of the Council is signified to you by your humble servant (*sic subscribitur*)

CRAFURD, I.P.D.S. Con.

The tenor of the which letter was subscribed by the said Earl of Craford and sent to the magistrates of the said Burgh and others after-mentioned,¹ viz :—

1. To the magistrates of Dysert for themselves, Easter and Wester Weymes, and Buckhaven.
2. To the magistrates of Pittenwyme for themselves and for Leven, Largo, and Earlsferrie.
3. To the magistrates of Enstruther Wester for themselves, and St. Ninians,² Ellie and Killranie.
4. To the magistrates of Enstruther Easter.
5. To the magistrates of Craill.

¹ The spelling of the burghs as given in the MS. is retained.

² Probably St. Monans.

6. To the magistrates of St. Andrewes.
7. To the magistrates of Dundie for themselves and Ferrie Partancraig and South Ferrie of Dundie, Broughtie, Monifuith and Barrie.
8. To the magistrates of Pearth.
9. To the magistrates of Aberbrothick¹ for themselves and Parbroth.
10. To the magistrates of Montross.
11. To the magistrates of Aberdein for themselves, Newburgh, Peetterhead, Crimon, Lonmay, and Frazersburgh.
12. To the magistrates of Bamff for themselves and Portsoy, Whythills and Downe.²
13. To the magistrates of Bervie for the sea towns in the shire of Kincardin.
14. To the magistrates of Rothsay for themselves and the sea towns of Buit.
15. To the magistrates of Dumbartoune for themselves and the town of Killpatrick.
16. To the magistrates of Glasgow.
17. To the magistrates of Renfrew for themselves, Greenock and the rest of the coast.
18. To the magistrates of Dunbarr for themselves, and Eymouth, Coldingham, Ross, and Northfield.
19. To the magistrates of North Berwick and Aberladie.
20. To the magistrates of Edinburgh and baillies of Leith for South and North Leith, Prestonpannes, Cockenie, Musleburgh, Fisherrow, and Newheaven.
21. To the magistrates of South Queenferrie for themselves and Cramound.
22. To the magistrates of Linlithgow for themselves and Blacknes.
23. To the magistrates of Borrowstouness for

¹ Arbroath.² Now Macduff.

themselves, Graingpans,¹ and other sea towns thereabouts.

24. To the magistrates of Stirling for themselves and Cambuskeneth.

25. To the magistrates of Cullross for themselves and the towns of Alloway and Clackmanan.

26. To the magistrates of Innerkeithing for themselves and North Ferry.

27. To the magistrates of Dumfermling for themselves and Lymkills.

28. To the magistrates of Burntisland for themselves and Aberdour.

29. To the magistrates of Kinghorne.

30. To the magistrates of Irving for themselves, Largs, Ferrie,² Kellbarrie³ and Saltcoats.

31. To the magistrates of Air for themselves, Corsbie, Mounktoun, Prestick, Cove, and Turneberry.

32. To the magistrates of Stranraer for themselves and for Girvan, Balintrie and Portpatrick.

33. To the magistrates of Wigtoun.

34. To the magistrates of Whithorne.

35. To the magistrates of Kirkcudbright.

36. To the magistrates of Cullen for themselves, Rathven, Buckie, Greenock, and Sandend.

37. To the magistrates of Dornock for themselves, Portmahomock and parish of Craith.

38. To the magistrates of Fores for themselves, Cousie and Earnehill, Finhorne, Stotfauld, Burgh,⁴ Cubbin, and Dalmassie.

39. To the magistrates of Nairne.

40. To the magistrates of Innerness.

41. To the magistrates of Cromartie for themselves, Tarbatnes and Wilkhaven.

42. To the magistrates of Week for themselves and Thurso.

¹ Grangemouth. ² Probably Fairlie. ³ Probably Kelburne.

⁴ Burghead.

Ibidem (résumé).

Edinburgh. 10th January, 1690.

Letter to the Earl of Argyll anent levying of seamen, in similar terms to that to the Burghs, promising to reimburse his Lordship from the excise of Argyllshire for his expenses.

Similar letter to the Steward of Orkney and Zetland.

Ibidem.

Edinburgh. 8th February, 1690.

Letter to Lord Melvill, Secretary of State.

The letter underwritten from the Council to the Lord Melvill, sole Secretary of State for the kingdom of Scotland, was read, voted and approved and subscribed by the Earl of Craford, elected president of the Council for the time, and was ordered to be insert in their books, whereof the tenor follows :—

My Lord,—The Council had a letter from Sir James Montgomery of Skelmorlie with the deposition of John Boyd, merchant in Belfast, taken before him and the Provost of Irvine, the copy whereof is herewith transmitted and which is confirmed by the Earl of Argyll's intelligence from his countries this day, by all which the Council is very sensible of the necessity there is of hasting down the frigates¹ mentioned in a former letter from his Majesty to them. Therefore they again seriously recommend to your Lordship to interpose with his Majesty to hasten down these frigates to the western coasts of this kingdom, thereby to prevent the transport, either of men, arms or ammunition from

¹ General Mackay's *Memoirs*, pp. 84, 305, 325.

Ireland¹ hither for the future and for facilitating their designs, which may be set on foot for the advancement of his Majesty's forces. . . . Signed by warrant and in name of the Council by your most humble servant (*sic subscribitur*),

CRAFURD, P.

Ibidem.

Edinburgh. 11th February, 1690.

*Commission to Captain Bosswell.*²

The commission underwritten granted by the Council to the said Captain Bosswell in the terms of his Majesty's letter, was read and subscribed by the Earl of Craford, president for the time, and was ordained to be sealed with the cachet of Council, whereof the tenor follows:—

William, Earl of Craford, Lord Lindsay, etc., elected president of their Majesties' Privy Council of the kingdom of Scotland, in absence of William, Duke of Hamilton, their president, and the remanent Lords of their Majesties' Privy Council for the said kingdom, to all and sundry kings, princes, dukes, marquises, governors of republics, magistrates of burghs, commanders of navies, governors of ports and castles, and to all and sundry whom these presents do or may concern:— Forasmuch as his Majesty by his letter of the date the twenty-eighth day of January, 1689-90, direct to the Lords of Privy Council hath signified to them that whereas his Majesty hath given no commissions as yet to any person or persons for managing the office of Lord High Admiral³ in the

¹ General Thomas Buchan landed in Scotland from Ireland in the spring of 1690.

² Sometimes written 'Boswall,' 'Boswell,' 'Boisual' and 'Bosual,' &c.

³ The Duke of Hamilton was appointed Lord High Admiral on 3rd March, 1692.

kingdom of Scotland, who might grant letters of mark and general reprisal against the vessels and goods belonging to the subjects of the French King and to the Irish now in rebellion, and that his Majesty was informed that John Bosswell in Kirkaldie hath provided a ship with men and guns for taking and apprehending ships or goods belonging to the French or Irish and desired his Majesty's commission for that effect, and that his Majesty hath authorised and granted warrant to the said Lords of his Majesty's Privy Council to grant a commission and letters of mark and general reprisal unto the said John Bosswell against the ships and goods belonging to the subjects of the French king and to the Irish rebels, and hath appointed them to grant protection to the said Captain John Bosswell and his company against all presses and seizures in manner and to the effect aftermentioned: Therefore the said Lords of his Majesty's Privy Council, in compliance with and obedience to his Majesty's commands expressed in his royal letter of the date abovementioned, do hereby give full power, warrant and commission to the said Captain John Bosswell in Kirkaldie, to be captain of the good ship or frigate called the Providence of Kirkaldie, of the burden of one hundred and sixty tons or thereabouts and carrying twelve pieces of ordnance and the number of twenty-two seamen or thereabouts, and ammunition proportionable such as a man of war commissioned in their Majesties' actual service is in use to carry, giving, granting and committing to the said Captain John Bosswell full power, warrant, commission and charge to order and command the officers, soldiers and mariners of the said ship with men, victual, arms, artillery great and small, and all

other warlike munition and provisions whatsoever, and therewith to set forth and go to sea and to search for, apprehend and, in case of resistance, to fire, burn, sink and destroy the ships and goods belonging to the subjects of the French King and to the Irish rebels, as also to stay and arrest all other ships and vessels of whatsoever other kingdom, country, nation or people, conveying any goods or merchandise in them belonging to the French King or to his subjects or inhabitants or belonging to any person within the kingdom of Ireland in rebellion against their Majesties, or of such as shall carry to them any soldiers, horses, ships, vessels or any arms offensive or defensive, or any munitions or provisions, or any contraband goods or merchandise whatsoever, and to bring the said ships so apprehended and arrested to any port or harbour of the said kingdom of Scotland without breaking bulk or altering the property thereof, to be proceeded against and judged according to law in the High Court of Admiralty of the kingdom of Scotland, or in such other court or courts as by particular or special warrant and commission shall be sufficiently authorised for doing the same, and after such proceeding and adjudication to be sold and disposed of as of right appertains: Authorising the said Captain John Bosswell generally to do and perform all and everything towards the execution of the whole premises necessary and requisite, promising to hold firm and stable all and whatsoever things shall be lawfully done by the said Captain John Bosswell by virtue of these presents: Requesting you and everyone of you the said kings, princes, dukes, governors of republics, magistrates of burghs, commanders of navies, governors of ports and castles, friends

and confederates to our sovereign Lord and Lady, William and Mary, by the Grace of God King and Queen of Great Britain, France and Ireland, Defenders of the faith, etc., to acknowledge the said captain and the company of his ship as good and lawful subjects of their Majesties authorised with this our commission for the execution of the premises : And if the said captain shall come into your or any of your harbours, bounds, castles or territories with or without any prize or prizes to be taken by him, that ye furnish him with victuals and other necessaries upon his reasonable expenses, and that ye resist all violence that may be offered to him, his company and equipage, to their ships or goods, and that ye show all other rights of common friendship and alliance to our sovereign Lord and Lady in treating the said captain and company as ye may expect the like from their Majesties, or that those entrusted with the management of the public affairs of the kingdom shall be careful on all occurrences of the like nature to cause the like be shown to you and your subjects. Ordaining this our commission to continue and endure aye and until the same be recalled by the King's Majesty or by us. And the said Lords of his Majesty's Privy Council do, conform to his Majesty's special warrant and authority foresaid given unto them, hereby grant unto the said Captain John Bosswell and his company protection against all presses and seizures of any sea-captains or other officers of their Majesties' navy at sea, and of any press masters or others within any of their Majesties' ports ; and that in respect the said Captain John Bosswell hath granted bond and found caution that out of such ships and vessels as shall be taken by him and also out of all such goods, wares and

merchandise whatsoever as shall be judged lawful prize, that there shall be paid to their Majesties the just fifteenth thereof or such customs as shall be required by the Lords Commissioners of his Majesty's Treasury, and the tenth to the Lord High Admiral, or to any who shall have sufficient warrant and power to receive the same, or of such proportions of the said prizes as are due by the laws and custom of the kingdom of Scotland, and that he shall prosecute the said commission in the whole heads, tenors and contents thereof. Signed by warrant from and in name of the Lords of his Majesty's Privy Council for the kingdom of Scotland by the said William, Earl of Craford, elected president in absence of the president of Council, at Edinburgh the eleventh day of February, 1690 years, by virtue of an Act of Council of the date the fifth day of December, 1689 years, authorising the president of Council for the time being to subscribe all commissions of Council and others, and which is ratified and approven by his Majesty by his royal letter of the date the twentieth day of January, 1690¹ years; and they have appointed this commission to be sealed with the cachet of Council.

Ibidem.

Edinburgh. 13th February, 1690.

Follows the tenor of the protection [to a Scots ship] granted in the terms of the proclamation of Council made anent levying of seamen :—

The Lords of his Majesty's Privy Council, considering that his Majesty by his royal letter of the date at Kensington, the fourth day of January last bypast, 1690, hath recommended

¹ See vol. xiv, p. 438 of *State Papers (Scotland) Warrant Books*, P.R.O.

to the said Lords to find out a way for raising a competent number of Scots seamen for his service, being resolved that Scotsmen, if prisoners, shall be equally relieved with the English, and that Scots trading ships shall have protection on board for preventing their men being pressed ; and that the said Lords of Privy Council, by their proclamation of the date the tenth day of the said month of January last bypast, have appointed the magistrates of the several maritime burghs, royal and other sea towns to cause beat drums and levy seamen for serving in their Majesties' fleet in the way and manner and upon the conditions particularly expressed in the said proclamation, by which they have promised to such who shall affectionately show their forwardness on that occasion that they shall have particular protections on board each one of their ships given them to be free of any pressure here or by any of their Majesties' men-of-war in any of their ports : and the Council understanding that, besides the number of thirty-four seamen who voluntarily listed themselves and are presently in their Majesties' actual service, belonging to the town of Dundee, that the magistrates of that burgh have presently taken on eleven other volunteer seamen and have paid them their levy money and maintenance and have sent up a list of all the other seamen within their bounds, that the Council may give further directions anent them : Therefore they by virtue of the power and warrant granted to them and in the terms of the former proclamation of Council, hereby grant protection to Robert Kinloch, skipper and master of the good ship called the *Rachell* of Dundee, and to the seamen afternamed aboard the same, to wit, William Oliphant, Andrew Rutherford, Thomas Gibsone, John Gibsone, and John Knoxs,

mariners in Dundee, with a boy, presently bound for London upon the account of James Fletcher, present provost of Dundee, or any other seamen to the number of five who afterwards shall sail, the said ship to be free from any pressure in this kingdom or from any pressure from any of his Majesty's men-of-war, or in any of their Majesties' ports: And they do hereby request all the commanders of their Majesties' men-of-war, press masters and all other officers, civil and military, and others whom it shall or may concern, to suffer and permit the said ship, with her loading and ship's crew, freely and quietly to sail from the port of Dundee to London or any where else, and to return again to any port within this kingdom or to any other port belonging to their Majesties or any in alliance with them without any let, trouble or molestation whatsoever, they behaving and demeaning themselves according to their duty and their allegiance to their Majesties and their royal authority. And they declare that this protection shall only continue and endure for the space of one year after the date hereof. Signed by warrant and at command of the Lords of his Majesty's Privy Council, by William, Earl of Craford, elected president of Council in absence of their president, and sealed with the cachet of Council at Edinburgh, the day and year aforesaid, and of their Majesties' reign the first year. (*Sic subscribitur*),

CRAFURD, I.P.D.S. Con.

General Mackay's Memoirs, p. 85.

News being come of one of the frigates being cast away, he [Mackay] proposed to the Committee to hire a little frigate of about 20 guns newly built at Glasgow.

Minutes of the Privy Council of Scotland.

Edinburgh. 7th April, 1690.

Order for furnishing Provisions to Captain Pottinger,¹ and other things, etc.

Their Majesties' High Commissioner and Lords of Privy Council do hereby remit to the Earl of Argyll, Sir Colin Campbell of Aberurchell, one of the Senators of the College of Justice, and Sir James Montgomery, of Skelmorlie, and Sir Patrick Home² of Pollwart to call for Walter Gibsone, late provost of Glasgow, and Gibsone, his brother, or either of them, and to treat with them anent the furnishing and providing of the ship³ now built by them at Greenock and hiring of her to be employed in their Majesties' service upon a present expedition; and in the meantime recommend to the Earl of Argyll to write to the said Walter or Gibsone to repair to this place with all diligence in order to a settlement thereanent, and that they use all endeavours to have the ship in readiness and hasten all provisions which may be necessary for that effect: And they grant warrant to and ordain the present magistrates of Glasgow, who are tacksmen of the excise of the six western shires, to give credit for six weeks' provisions to Edward Pottinger, commander of their Majesties' frigate the Dartmouth for the use of the two frigates and ship under his command sent down to cruise on their coasts, which shall be allowed out of their excise, in case payment be not gotten from England; and recommend to the former

¹ Sometimes written 'Potinger,' 'Porringer,' and 'Portinger.'

² Created Baron Polwarth on 26th December, 1690, and Earl of Marchmont on 23rd April, 1697.

³ The Lamb of Glasgow.

committee to write to the said Captain Pottinger to give him an account thereof and to acquaint him that he order the pursers of the said ships to send a list of the kinds and quantities of provisions he will stand in need of for that time, and to desire him to write to the Lords Commissioners for executing the office of Lord High Admiral of England that they may be pleased to give order for the payment thereof; and they remit to the said committee to call for the list of the seamen sent in to the clerks of Council from the western shires and consider out of what places such seamen as may be necessary for sailing of Walter Gibsone's ship and making up the fifty seamen desired by Captain Pottinger can be best provided, and to call for William Greive, late lieutenant of the Pelican under the command of Captain Hamilton and Drummond in the Lord Newbotle's troop, and to speak with them in order to their engaging in their Majesties' service on board the said ship now at Greenock in case the committee shall find they desire that trust.

Ibidem.

Edinburgh. 23rd June, 1690.

Letter to the Queen's Majesty.

The letter underwritten from the Board direct to the Queen's Majesty was read and subscribed by the Earl of Melvill, their Majesties' Commissioner, and the Earl of Craford, president of Council for the time, whereof the tenor follows:—

May it please your Majesty. . . . Since the seasonable defeat of the most forward of the Highland rebels by Sir Thomas Livingstone¹ in the

¹ Succeeded as Commander-in-Chief in Scotland when Major-General Mackay resigned in November, 1690. See note on p. 212.

beginning of this season,¹ we have not heard that they have appeared in great bodies towards the Lowlands. It seems they wait the approach of your Majesty's army in their almost inaccessible hills, which is presently in readiness to march towards them, and there was a detachment some time ago sent aboard on your Majesty's frigates which are now scouring the Islands. . . .

Ibidem (résumé).

Edinburgh. 9th July, 1690.

Commission by the Privy Council to James Dalgleish, skipper in Queensferrie, who is presently employed in their Majesties' service to be captain of the good ship or frigate called the James of the Queensferrie, of the burden of one hundred and ninety tons or thereby, and six pieces of ordnance with all ammunition proportionable as a man-of-war commissioned in H.M. service.

The like commission to John Robertstone in Queensferrie to be captain of the good ship called the Reid Lyon of Queensferrie of two hundred tons burden or thereby, with fourteen pieces of ordnance.

Leven and Melville Papers (Bannatyne Club, 1843), pp. 470-2.

Captain Pottinger to the Earl of Melvill.

Aboard the Dartmouth in Duart Road. 19th July, 1690.

May it please your Grace,—My last to your Grace was the 12th of May from Greenock, and the 14th we sailed thence to these coasts, since which time our being scarce 48 hours in one place without motion prevented my giving your Grace

¹ At Cromdale, Morayshire.

the account of our proceeding. . . . The Major-General¹ conceiving my blockading these sounds not so necessary now, since the garrison is in such perfection . . . referring the cruising part to me where [I] conceive most necessary for the preservative of these coasts, your Grace shall not fail of account of my proceedings, . . . since our being upon this coast and amongst these isles. . . . Since our being here it hath been my care to keep cruising where most necessary, first in dividing our squad (the Major-General favouring me with instructions communicatively with Major Ferguson), so that we divided our squads and boats, they burning and destroying one way; our ships with the Major left nothing undone that was to be done the other way, in burning houses, breaking boats and wasting the substance of such as were in actual rebellion. . . . Some letters passed betwixt Sir Donald McDonald Jun^r.² and me before his submission, as also the Earl of Seafort . . . , and of late betwixt Sir Donald Sen^r and me who escaped us, although Capt. Douglas³ was twice out and myself twice out; but since our slender number of frigates and the passages we had to secure admitted us not to do what we would do, we must rest satisfied with what we could do.

Sir Donald in his answer belching out defiance to authority and power etc., in my last trip I was advised of a vessel in his possession. Passing his house I complimented the same with 30 or 40 shot, sending the guards thereof to the hills and destroying a birline hauled up. Not having time then, I passed the horrible Sound of Kelachie⁴ to the Collihoe⁵ Stone where the ship was; and

¹ MacKay.

² Of Sleat in Skye.

³ Of H.M.S. Lark.

⁴ Probably Kyleakin.

⁵ Probably Kyle Rhea in Sleat Sound.

lest they might fire or sink her I sent away my pinnace, which they perceived from the hills; by Sir Donald's order she was fired. However I brought thence, and staved six boats, only three men slightly wounded, she being burned down to the water. I returned taking the slack of the same tide through that prodigious current and strait. . . . From thence I repaired to Sir Donald's, the Lamb by order joining me. We anchored as near the shore as conveniently we could. By springs and guys I laid up her broadside to the house, playing smartly upon the same for two or three hours with our best guns, and the Lamb upon his harlots¹; the walls abiding battering; landed our men under protection of my guns, burned both houses with a bark and boat of Sir Donald's to the ground in the Highlanders' view, the whistling nine pounders sending them scampering to the hills to overlook what they could not prevent. . . . I am to lay my frigate ashore to repair some damage. . . . I am, etc.,

EDWARD POTTINGER.

Ibidem (résumé) p. 473.

Captain Pottinger aboard the Dartmouth in Duart Road on 21st July reported to Major-General MacKay that he and Captain Douglas² had given order to weigh for Greenock for provisions and repairs and that he had left the Scots frigate.³

Minutes of the Privy Council of Scotland (résumé).

Edinburgh. 6th August, 1690.

Petition by James Gibsone, merchant in Glasgow, stating that he has freighted a ship called

¹ In its original meaning of bold young men.

² Of. H.M.S. Lark.

³ The Lamb of Glasgow.

the Lamb of Glasgow to James Dunlop, one of their Majesties' general receivers, for the public service for three months, which expire on the 10th instant, and craving that their Lordships would either discharge the said ship, as the other ships have been that went out with her, or continue her in service on a new agreement with him. The Lords remit this matter to the Lords Commissioners of the Treasury with a recommendation to continue the engagement for another month.

Leven and Melville Papers, p. 526.

Whitehall. 6th September, 1690.

The Earl of Nottingham to the Earl of Melvill.

My Lord,—The Queen having commanded me to signify her pleasure to your Grace concerning two vessels secured at Glasgow, I send you enclosed the original Order of Council, which will best acquaint you with what her Majesty would have done. I am . . . ,

NOTTINGHAM.

Ld. Comr. of Scotland.

The following is the Order of Council referred to:—

At Whitehall the 6th of September, 1690. Present, the Queen's most excellent Majesty in Council.—Her Majesty in Council was this day pleased to order that the Right Honourable the Earl of Nottingham, principal Secretary of State should give intimation to his Grace the Lord High Commissioner of Scotland that her Majesty has ordered Captain Pottinger, commander of their Majesties' ship the Dartmouth, to bring away the two vessels he has secured at Glasgow, which

have unloaden their tobacco without entering the same in England, that his Grace may be assisting to the said Captain Pottinger in executing the said order.

CHA. MONTAGUE.

Minutes of the Privy Council of Scotland.

Edinburgh. 7th October, 1690.

*Order for Securing some Seamen.*¹

Their Majesties' High Commissioner and Lords of Privy Council being informed that John Sinclar, James Peacock, formerly seamen in Culross, Daniel Magneach, William Bruce and John Halkett, seamen in Aberdeen, Thomas McKiny, seaman in Perth, James Dewar, seaman in Burntisland, who were formerly engaged in their Majesties' service under the command of Captain Edward Pottinger, commander of the Dartmouth yacht, have deserted their service and have run away, they hereby grant warrant to and ordain the magistrates of Edinburgh, Aberdeen, Culross, Burntisland, and all other magistrates, sheriffs and their deutes, justices of peace, and other members of the law, to search for and seize the prisoners abovenamed and to commit them to prison, therein to remain until the Council's further order, and to report an account of their diligence herein with all conveniency.

Leven and Melville Papers, p. 539.

The Earl of Craford to the Earl of Melvill.

My Lord,— . . . Yesterday night in Council it was judged highly convenient that two frigates

¹ Scots seamen serving on an English man-of-war.

should be quickly dispatched hither for cruising on our western and northern Highland coasts. They would be a terror to those people beyond many thousand men, and fully determine them to that which they seem inclined to, the submitting entirely to the present Government, for they are all scattered and out of heart, if the two ships which are said to come from Dunkirk with arms and ammunition do not give them new life and courage.

CRAFURD.

Edinburgh. 9th October, 1690.

The London Gazette.

Edinburgh. 23rd October, 1690.

We hear from the Isle of Mull that on 9th inst., the Dartmouth being at anchor in the Sound of Mull, there arose a very violent storm which forced the said frigate from her anchors and drove her upon a rock, where she broke to pieces, and Captain Pottinger the commander and most of the men were drowned.

Minutes of the Privy Council of Scotland.

October, 1690.

Petition by Seamen belonging to the Dartmouth.

Anent a petition given in to the Lords of their Majesties' Privy Council by Richard Crosdale, John Roach, Jaffray Solme, Ralph Haid, seamen belonging to the Dartmouth frigate, showing that the petitioners being shipwrecked through storm at sea in the Western Islands the ninth of October instant, and having lost all that they had, and now being poor and having nothing

to subsist by having no money to carry them to England, and therefore humbly craving the said Lords to order the cashkeeper to give such a competency to them for carrying them to London for their subsistence to that place, as the said Lords should think fit as the petition bears, the Lords of their Majesties' Privy Council, having considered the above petition and that the Commissioners of their Majesties' Treasury have adjourned their meeting for some time yet to come, and that the petitioners are shipwrecked as above, do therefore recommend to William, Earl of Craford, president for the time of their Majesties' Privy Council, to draw a precept in name of the Lords of Council upon their Majesties' general receivers for payment of forty shillings sterling to each of the four petitioners abovenamed to the effect above-mentioned, and ordain this order to be recorded in the books of their Majesties' Treasury before payment.

Ibidem.

Edinburgh. 9th December, 1690.

*Letter ordered to be written to the Secretary anent
a Ship taken by Captain Pottinger.*

A letter from [Andrew] Douglas¹ direct to the Earl of Craford as president of the Council, giving account that he had received orders from the Lords Commissioners of the Admiralty of England, to take with him to England the two vessels that were seized on by Captain Pottinger at New Port, Glasgow, for not entering in England, read and recommended to the Lord Raith to

¹ Captain of H.M.S. Lark.

write to the Earl of Melvill, sole Secretary of State, that it is the desire of this Board that my Lord Secretary will be pleased to speak with the Earl of Nottingham, Secretary of State, one of the Commissioners of Admiralty in England, and acquaint him it is their opinion that no ship in Scots harbours can be summarily seized by an order from England, Scotland being an independent nation, but if England have any pretences to ships in the Scots harbours the same shall be fairly and legally tried.

Ibidem.

Edinburgh. 23rd December, 1690.

Order arresting the Ships to be carried to England.

The Lords of their Majesties' Privy Council being informed by a letter from Captain Douglas, commander of their Majesties' frigate called the Lark frigate, that he has received an order from the Lords Commissioners of the Admiralty of England to take away with him to England the two vessels that were seized on by Captain Pottinger at New Port, Glasgow, for the not entering in England: And the said Lords, considering that it is against the laws of this kingdom that any ships should be taken out of the ports or harbours thereof by any persons but these to whom they properly belong or who have taken the said ships and obtained them legally adjudged prizes: Therefore the said Lords of Privy Council do hereby give warrant and order to the magistrates of Glasgow, in case the said ships whose names are . . . be lying at New Port, Glasgow, or any other seaport within their jurisdiction to stop, detain and arrest the said ships in these ports, and for that effect to take the sails from the

'raes'¹ and to do every other thing usual and competent in such cases; and in case those ships be at any other ports not within the jurisdiction of the said magistrates of Glasgow, the said Lords of Privy Council do hereby give order to the magistrates within whose jurisdiction these ports lie to stop, detain and arrest the foresaid vessels in manner above written.

Ibidem (résumé).

Edinburgh. 30th December, 1690.

The Lords ordain the keepers of any of their Majesties' magazines within this kingdom to deliver to the order of Captain Andrew Douglas, captain of their Majesties' frigate called the Lark, three barrels of powder to be transported to the said ship at Greenock or wherever it may be, Captain Douglas giving his receipt, and payment to be made for the same by the lieutenant of the Tower of London.

Ibidem.

Edinburgh. 17th March, 1691.

*Remit to the Treasury to buy a Vessel for
Fort William.*

The Lords of their Majesties' Privy Council do hereby recommend to the Lords of their Majesties' Treasury to provide and buy a vessel² of about thirty tons burden for their Majesties' service for the use of the garrison in Fort William, and other places thereabout, and particularly a vessel of about that burden now lying at Glasgow which belongs to , or any other

¹ The plural of ra, ray, or rea, meaning sail-yard (Longmans' Edition of 'Jamieson's Dictionary,' 1885). Robands: the small pieces of rope by means of which the sails are secured to the yards, was perhaps originally 'raebands.'

² The William and Mary.

vessel which their Lordships shall think most proper for the service foresaid about the above burden, and to cause send the said vessel to the said Fort William.

Ibidem (résumé).

Edinburgh. 4th May, 1691.

Commission to Ninian Gibson to Command a Frigate.

The Lords of their Majesties' Privy Council for the Kingdom of Scotland to all and sundry kings, . . . Forasmuch as Ninian Gibson, merchant in the city of Glasgow has offered to serve their Majesties . . . with the ship called the *Lamb* of Glasgow, whereof he is master, against their Majesties' enemies . . . the said Lords . . . having special trust and confidence in the loyalty, courage and conduct of the said Ninian Gibson, have therefore nominated and appointed and hereby nominate and appoint the said Ninian Gibson to be captain of the good ship or frigate called the *Lamb* of Glasgow of the burden of 100 tons or thereabouts, and twenty pieces of ordnance, with all ammunition proportionable as a man-of-war commissioned in his Majesty's actual service: Giving, granting and committing . . . At Edinburgh the 4th day of May, 1691.

(Signed) STAIR, P.¹

ARGYLL,
MORTOUN,
FORFAR,
RAITH,
BEILHAVEN,
C. CAMPBELL,
JO. MAITLAND,
THO. LIVINGSTONE.

¹ Sir James Dalrymple, created Viscount Stair on 21st April, 1690.

Ibidem.

Edinburgh. 4th May, 1691.

Commission to Command a Frigate.

The like commission granted to to be captain of the ship or frigate called the Grizell of Glasgow, of the burden of fifty tons or thereabout with pieces of ordnance.

Leven and Melville Papers, pp. 620-1.

Fort William. 9th June, 1691.

Colonel Hill¹ to the Earl of Leven.

My Lord,—Since my last there are four French men-of-war come from Ireland to Skye (whereof one of fifty guns), who have brought with them the Earl of Dumfermline² and some officers with arms, ammunition, provisions and some money and clothes, but no men . . . Buchan and Glengarry are gone to Skye . . . I have sent advice to any of their Majesties' men-of-war that I hear are in Clyde water. It is probable Sir Donald McDonald and Glengarry may stir, (though Sir Donald's people are willing to be quiet), as also Sir John McLaine; but the rest of their clans (except a very considerable force come) will not stir. . . .

JO. HILL.

Minutes of the Privy Council of Scotland.

Edinburgh. 9th June, 1691.

Order anent Thomas Weir's Ship seized by an English Frigate.

The Council having considered a letter from Thomas Weir, merchant in Glasgow, to one of

¹ A Scoto-Ulsterman, sometime Constable of the Castle of Belfast, Colonel at Fort William, where he was in command at the time of the massacre of Glencoe in February 1692.

² The fourth Earl, a zealous Jacobite, was outlawed in 1690. He died in exile in 1694.

their number, representing that he had a ship lately arrived at Port Glasgow in Clyde from Bilboa, which he has entered legally, and that there is an English frigate come into that river which he is told intends to trouble her as if he had been trading with France, they ordain the magistrates of Glasgow, within whose jurisdiction the said harbour of New Port Glasgow lies, to protect and secure the said Thomas Weir his said ship called the John from the said English man-of-war which is called the Pembroke or any other men-of-war, from any violence or wrong which the said men-of-war shall offer against the said ship; and if there be grounds to fear that the man-of-war has a design to carry away the said ship to England or elsewhere from this kingdom, appoints the said magistrates to detain and arrest the said ship, to take the sails from the 'raes' thereof and to do every other thing usual and competent in such cases. And in case the said ship do lie in any port or harbour not within the jurisdiction of the said magistrates of Glasgow, the Council gives the same orders to the governor of Dumbarton Castle, and any judges and magistrates within whose jurisdiction she is lying, and allows the commander of the man-of-war to pursue any action competent to him against the owners or master of the said ship or cargo or any other ships or cargo that are or shall be found within the ports or waters of this kingdom belonging to or in possession of the inhabitants thereof before the judges or judicatures in this kingdom as accords of the law. And, in case the said ship called the John shall sail from the port where she now lies, ordains him before he so sail to find caution before the judge ordinary of the place that he shall answer to any suits that shall

be commenced against him by the said captain of the man-of-war according to the laws of this kingdom.

Ibidem.

Edinburgh. 11th June, 1691.

*Act: Thomas Weir against Captain Ivory.*¹

Anent a petition given in to the Lords of their Majesties' Privy Council by Thomas Weir, merchant in Glasgow, and James Gibsone, merchant there, shewing that where there being a ship arrived in Clyde from Bilboa called the John of Greenock, which was duly entered at the custom house, and for which the petitioners have paid no less than twenty-two thousand merks to the King, yet Captain Ivory, commander of the Pembroke frigate, being in Clyde, doth threaten to carry away the foresaid ship; whereof the petitioners having given information [narrating as in their former order] . . . , but since that information and before their Lordships' order could be intimated, the captain of the said frigate did summarily seize the said ship by way of fact and force, shooting great guns at the said ship and putting out their Majesties' flag; and having turned out the waiters put in by the custom office did put several of his own men aboard and did also violently seize and possess himself of three gabards or lighters that were sailing up the water with a part of the said lading, . . . withal refusing to show any warrant or commission for such a procedure, but on the contrary threatening to throw the surveyor of New Port Glasgow overboard for refusing the same, and using other rude and undecent expressions; and therefore humbly craving their Lordships to give

¹ Sometimes written 'Ivorie,' 'Evorie,' 'Every.'

such further orders in the said matter as their Lordships shall think fit. . . .:—The said Lords . . . ordain the above Captain Ivory to remove his men out of the above ship called the John of Greenock, and to restore and redeliver the said ship and three gabards or lighters with the above loading seized on by him to the owners of the same ; and ordain the magistrates of Glasgow to protect and secure the said ship [repeating their former order]. . . .

Ibidem.

Edinburgh. 15th June, 1691.

Letter from the Earl of Craufurd to Captain Ivory.

The Council recommended to the Earl of Craufurd to write to Captain Ivory anent the ship seized by him and likewise to write to the Earl of Melvill, Secretary of State, to know what are Captain Ivory's instructions. Follows the letter to Captain Ivory :—

The ships of war formerly employed by his Majesty to cruise upon the coasts of this kingdom, and particularly Captain Pottinger had instructions from his Majesty and the Admiralty of England to receive and obey the orders of the Council of Scotland as the same should be given to them from time to time upon the exigencies of the government, and the commanders of these ships did communicate their instructions to the Council, which, seeing you have not done, the Council have appointed me in their name to write to and require you to send in to their clerks a true account of what instructions you have from his Majesty and the Admiral of England in order to this kingdom and the subjects thereof, that their Lordships may know what is fit to be

done therein for their Majesties' service, with the evidences you have to believe that any of the merchant ships of this kingdom have trade with unfree nations, and also to acquaint you that they are of opinion it was more for the service and interest of their Majesties and the government that you were cruising between Scotland and Ireland or about the islands than lying within Clyde or other rivers. Signed by warrant and in name of the Council by (*sic subscribitur*)

CRAFURD.

Directed for Captain Ivory, commander of the Pembroke frigate.

Follows the letter ¹ to the Secretary :—

My Lord,—The commander of the Pembroke frigate, Captain Ivory, since his arrival in Clyde hath molested several of the merchants trafficking to the port of that river, and seized upon a ship and some boats with their loading upon pretence of unfree trade. The Council upon application of the persons therein concerned issued an order direct to the said captain requiring him to cease from troubling the said persons or their goods, and acquainting [him] with the law and privilege competent to the subjects in such cases, whereunto obedience cannot be so punctually exacted from him as if he had instructions and commands from the Admiralty of England to receive orders and obey the directions of his Majesty's Privy Council for this kingdom, while he cruises upon the coasts or lies within the rivers or creeks thereof : Wherefore I was appointed by the Council Board to desire your Lordship to cause make enquiry what

¹ Given also in the *Leven and Melville Papers*, p. 623.

instructions the said Captain Ivory has from the Admiralty of England, and, if they have not already, that they may send to him or any others who come to cruise on this coast orders to receive and obey the commands of the Privy Council here during their abode upon the coasts of this kingdom, according as Captain Pottinger had his instructions the former year. This in name of the Council is signified to your Lordship by, my Lord, your Lordship's humble servant (*sic subscriptur*),

CRAFURD.

Directed thus for the Earl of Melvill, one of the Secretaries of State for the kingdom of Scotland, Edinburgh, 18th June, 1691.

Ibidem.

Edinburgh. 23rd June, 1691.

Letter¹ to the Secretaries² anent Captain Ivory.

The letter underwritten was by the Earl of Craford, president of the Council for the time, at the Council's command sent to the Lord Secretary, whereof the tenor follows:—

My Lord,—What the Council resolved about Captain Ivory, commander of the Pembroke frigate lying in the river of Clyde, and the progress they had made for redressing the abuses committed by him upon the merchants of this nation trading to the ports of that river were, conform to order, communicated to your Lordship by a former letter, and this day complaints being renewed by several hands to the Council against the said Captain Ivory for his continued injuries

¹ Given also in the *Leven and Melville Papers*, pp. 624, 625.

² Lord Melvill and Sir John Dalrymple, Master of Stair, the latter of whom was appointed Joint Secretary of State in 1691.

against several merchantmen by seizing their goods and carrying their men from aboard their ships and suffering a French privateer cruising on these seas to seize one of their ships though advertised thereof, and for his insolent contempt of the orders and commands direct from the Council Board to him, the Lords of Council for a more speedy remedy have thought it necessary your Lordship should be acquainted therewith, and earnestly intreated to implore their Majesties' commands to the said captain for obtempering and observing the orders of their Majesties' Privy Council for this kingdom, and that the instructions necessary from the Admiralty of England for that end may be hastened to him, or, in case any instructions be already given to him, that he may be ordered to show the same and send a copy thereof to the Council of this kingdom, which hitherto he has refused to do; and that he may be ordered to cruise about the isles and not to loiter within the river of Clyde, as he has done since his arrival on these coasts. The carriage and deportment of this Captain Ivory has occasioned so much clamour and noise that the Council find themselves concerned to entreat a speedy answer with your first convenience both from her Majesty and the Admiralty of England for regulating of the abuses committed by him as a matter highly importing both the interest of the nation, the liberty of the subjects and the honour and justice of their Majesties' government, which in name and at command of the Council is signified to your Lordship by, my Lord, your Lops humble servant,

CRAFURD, P.

Directed thus for the Earl of Melvill, one of the Secretaries of State for the kingdom of Scotland.

Ibidem.

Edinburgh. 30th June, 1691.

Letter from the Secretaries anent Captain Ivory.

The letter underwritten from the Secretaries of State being read was ordered to be recorded, whereof the tenor follows :—

My Lord, — I perceive by yours of the eighteenth instant that your Lordship was appointed by the Council to desire me to make enquiry what instructions Captain Ivory has from the Admiralty of England, and if they have not already, that they may send to him or any others who may come to cruise on your coasts orders to receive and obey the commands of the Privy Council of that kingdom during their abode on these coasts, as Captain Pottinger had the former year. According to which I went to several of the Commissioners of the Admiralty, and having acquainted them with the desire of the letter, and having enquired of them if also Captain Ivory and the other ships that were appointed to cruise upon that coast had any instructions from the Admiralty to obey the command of the Privy Council of Scotland as Captain Pottinger had, to which they answered they neither had nor could give any such orders to Captain Ivory and those other ships because they had no such order from his Majesty, and insinuated as the reason thereof, that the King had use for these ships as well upon the coast of Ireland and other places as upon the coast of Scotland, and that Captain Ivory was sent for to give account of what has been his behaviour in Scotland. This is all the account I can give

your Lordship at present. I am, my Lord, your
Lordship's most humble servant (*sic subscribitur*),
MELVILL.

Whitehall, 26th June, 1891. Directed to the
Earl of Craford.

Ibidem.

Edinburgh, 31st August, 1691.

*Recommendation to the Duke of Hamilton anent
a Ship seized by a Dutch Frigate.*

The Lords of their Majesties' Privy Council being acquainted by his Grace the Duke of Hamilton, their president, that he had this day received a letter which he produced and caused the clerk read to the Board written in Dutch from Captain Cornelius Waissmair, commander of the Dolphin frigate, belonging to the States of Holland, now lying in the road of Leith, bearing that the said captain had seized upon a Danish ship loaded with wine, brandy and other French commodities and made her prize, which he has done without intention of any reflection on their Majesties' government, and that therefore he might not be mistaken in so doing, because by the acknowledgment of the master of the said ship he was to sell these French goods into this kingdom, the said Lords do hereby recommend to his Grace to deal with the captain of the said Dolphin frigate to deliver the said ship and goods seized by him to such merchants of this kingdom and city as own and pretend any interest and right thereto, upon their finding sufficient caution to the value of the said ship and goods, to answer, obey and fulfil any action to be intended against them

for the same before the High Court of Admiralty or any other competent judicatory at their Majesties' instance or at the instance of the said captain of the Dolphin frigate, and that they shall make the same forthcoming to such who shall be found to have best right.

Ibidem.

Edinburgh. 25th August, 1691.

*Recommendation to the Provost of Edinburgh
anent some Capers.¹*

The provost of Edinburgh presented a letter to the Council (which being read he took back again) written from the town of Old Aberdeen, giving account that there are seven French capers on this coast and that they had taken a guny ship out of that road. The Council thereupon recommended to the said provost to write to the towns upon the sea coasts of this firth and give them advertisement of these privateers, which he declared he has already done.

A Short History of the Shipmasters' Society of Aberdeen,
by Alexander Clark, (1911,) p. 45.

The 'Capers.'

During the period we are now dealing with, the latter half of the 17th . . . century, there was little intermission in the warfare with the French, and . . . the books of the Seamen's Box exhibit . . . an extraordinary number of cases of poor distressed seamen who had been taken by the French and cast adrift. . . . Take

¹ Caper or Kaper from the Dutch word Kaper—a light armed vessel used for privateering.

for example the following entries from the books extracted at random :—

	£	s.	d.
1690. To 5 Englishmen which were taken by the French capers, by the master's orders	6	0	0
To 5 Englishmen who were taken by the French capers	7	8	0
2 distressed seamen who were taken by y ^e French	5	18	0
1691. To a family taken by the French kapers	2	0	0
1693. 8 seamen taken by the French	9	18	0
Ane Englishman taken w ^t . the French	1	8	0
Two Dundee men taken w ^t . the French	3	4	0

Minutes of the Privy Council of Scotland.

Edinburgh. 16th January, 1692.

*Remit : Major Forbes anent a Frigate to
Fort William.*

Anent a petition given in to the Lords of their Majesties' Privy Council by Major Forbes in Colonel Hill his regiment, shewing that where the William and Marie frigate attending the garrison of Fort William is sent by Colonel Hill to Greenock for transporting the whole clothes and accoutrements and other necessities of the said Colonel's regiment in order to the going to the fields against the Highlanders,¹ and the said frigate having in her voyage from Ireland to the garrison with provisions lately brought thither lost her sails and much of her rigging through

¹ Probably refers to the Glencoe affair.

stress of weather and tempest at sea, so that she cannot sail from Greenock to the garrison with the goods foresaid without hazarding both men's lives and the ship, unless she be provided with cables, sails and rigging, and also provided with victuals for the commander and his crew, as the master of the ship here present on the place can verify and instruct, and therefore humbly craving their Lordships to recommend to the Lords of their Majesties' Treasury to order forty or fifty pounds sterling to be given to the commander of the said frigate to pay the cable, sails and rigging which he hath secured in Glasgow for the use of the said ship and also for the defraying of the expense of the master and crew's wages and victuals, since the date of their last precept from the Lords of the Treasury, and providing victuals for this present voyage from Greenock to Fort William, least through the want thereof the master and crew refuse to sail the said frigate back to Fort William with the goods abovementioned and thereby his Majesty's service be retarded as the said petition bears; the said Lords of their Majesties' Privy Council, having heard this petition given in to them by the above Major Forbes, read in their presence, they hereby remit the same to the Lords of their Majesties' Treasury, and recommend to their Lordships that they take special care and give peremptory orders for providing without delay whatever things in this petition their Lordships shall find to be necessary or useful for the service of their Majesties and the government.

Ibidem.

Edinburgh. 28th January, 1692.

Letter anent Seamen.

A letter from the King's Majesty to the Council anent levying of seamen read and ordered to be recorded, whereof the tenor follows :—

Suprascriptur, WILLIAM R.—Right trusty and right well beloved cousin and councillor, etc., we greet you well. Whereas we have seen a letter from you directed to our Secretary complaining that your seamen are pressed contrary to the freedom of that our ancient kingdom and to the prejudice of your trade, we are resolved to give strict orders that no such thing be done for the future, but we do expect from you that, being engaged in a war which concerns not only our kingdom of England but likewise Scotland and almost all Christendom, you will contribute what you can for our assistance in providing to our navy a thousand seamen or more, and for their encouragement we will pay to each seaman at his entry forty shillings sterling and full pay thereafter as our English seamen do receive. Therefore we do recommend to you to use your utmost endeavours to provide a thousand seamen as quickly as can be in the same methods which have been used formerly in the like occasions, or what other way you shall find most expeditious, and to advertise our Secretary when you have such competent numbers together at Leith, that we may send ships to transport them. And we have given orders to have the entry money ready there, which so much concerns our service, and so we bid you heartily farewell. Given at our Court at Kensington, the nine-

teenth day of January, 1692, and of our reign the third year. By his Majesty's command (*sic subscribitur*),

JO. DALRYMPLE.

The Lords of their Majesties' Privy Council recommend a committee to prepare a draft of a proclamation for raising of the said seamen offering them all encouragement as in his Majesty's said letter ; and also to prepare a draft of a letter to be written from the Council to the magistrates of the several sea towns, desiring them to send to Leith such of their seamen as they can engage in their Majesties' service ; and to consider what methods were followed in raising the former levy of seamen, and what will be necessary to be followed in this levy for making the same timeously effectual ; . . . and recommend to them to make their report against the next meeting of Council.

Ibidem.

Edinburgh. 29th January, 1692.

Proclamation for Levying of Seamen.

A proclamation for levying of seamen in prosecution of his Majesty's commands in his letter to the Council, of the date the nineteenth day of January instant, being prepared and presented to the Board, was read, approven and signed, and appointed to be published the morrow with the usual solemnities. Follows the proclamation :—

WILLIAM and MARY by the Grace of God King and Queen of Great Britain, France and Ireland, Defenders of the faith, to . . . macers of our Privy Council, messengers-at-arms, our sheriff in that part, conjointly and severally

pecially constitute, greeting. Forasmuch as we have seen a letter direct to our Secretaries from the Lords of our Privy Council complaining that the seamen of this our ancient kingdom are pressed [narrating as in King's letter of 28th January, 1692]: Therefore we with advice of the Lords of our Privy Council strictly require and command all the magistrates of the several maritime burghs royal and other sea towns to cause beat drums and make intimation upon a market day for levying seamen to serve in our fleet within their own jurisdiction and the next adjacent sea towns expressed in the several letters sent to them for that effect, and to engage and take for the said service such as voluntarily offer themselves: And we with advice foresaid require and command the said magistrates of maritime burghs royal and other sea towns to give in a report to the Council what number of seamen they have so taken on and engaged, with an exact and subscribed list of the whole other seamen and fishermen within their jurisdiction and other sea towns and bounds expressed in their respective missive letters upon oath betwixt and the days following, viz: all on this side of Tay and this side of the Largs upon the mouth of Clyde between and the twentieth day of February next, and all to Aberdeen inclusive and bewest the river of Clyde and the Largs between and the first day of March thereafter, and all the rest of the kingdom between and the tenth day of the same month; with power to the said magistrates to take the oaths of the masters of ships, boats, barques and others and use all other effectual means for making up the said lists, that the Lords of our Privy Council may consider how far the number of seamen to be levied for our fleet falls

short, that so they may complete the said number of a thousand seamen for our service by lot out of the said lists of seamen and have them in readiness before our fleet shall go to sea. And we, with advice foresaid, do certify and give assurance to all and every one of the magistrates and others who shall take on any of the said seamen who list themselves voluntarily for our service, that how soon and whensoever the lists of the said voluntary seamen shall be returned to our Privy Council, forty shillings sterling money shall be immediately sent to the said magistrates for each seaman of these who voluntarily list themselves, to be paid and delivered to them before they shall march from their own homes to Leith, where they are to be shipped, and sufficient provisions shall be made or pay advanced to them from that time to their being shipped for our fleet; with certification to such of the said magistrates who shall fail or delay in the exact deliverance thereof they shall be reputed negligent in their duty and disaffected to our government and proceeded against accordingly. And to the effect our pleasure in the premises may be known OUR WILL IS, and we charge you strictly and command that incontinent, these our letters seen, ye pass to the market cross of Edinburgh and whole other market crosses of the burghs royal and of regalities, stewartries and bailiaries within this kingdom, and there in our name and authority make intimation and publication of the premises, that none may pretend ignorance, as ye will answer to us thereupon. Given under our signet at Edinburgh, the twenty-ninth day of January, and of our reign the third year, 1692. *Subscribitur ut sederunt.*

*The Draft of a Letter to the Magistrates of
Maritime Towns anent Seamen.*

A draft of a letter from the Council to the magistrates of the several maritime burghs of this kingdom to take on and engage seamen for their Majesties' service read, and recommended to the Lord Chancellor to sign the particular letters, and likewise to sign a letter to the Laird of Ardkinglass, sheriff-depute of Argyll, for that shire, and another to the Steward of Orkney and Zetland or his deputes for that bounds, conform to the list of the letters formerly sent at the last levy of seamen in 1690.

Ibidem.

Edinburgh. 19th February, 1692.

Anent Seamen.

The Council ordained the commanders of two of their Majesties' ships of war lying in the road of Leith not to levy any seamen in this kingdom for serving in their ships until first the thousand seamen required by his Majesty be completely levied, and that they take no Scots men aboard, and particularly these three they have engaged at Musselburgh, and that such as [are] aboard (if any be now taken on) be sent ashore, which if they fail in, the government will take other effectual course for hindering these commanders, that their Majesties' commands for levying the above thousand seamen (which the Council according to their duty are forward to obey) may not be frustrated or retarded.

H

Ibidem (résumé).

Edinburgh. 25th February, 1692.

The Lords recommend to the Earl of Mortoun, Lord Polwarth, Sir Thomas Burnet of Leys and the Laird of Brodie¹ to consider the reports from the burghs and other places anent the levying of seamen, to prepare a list of the volunteers, and if they do not number 1000 to consider how that number as required by his Majesty may be made up.

Ibidem.

Edinburgh. 1st March, 1692.

Recommendation for the Magistrates of the Several Burghs² anent Payment of Seamen.

The Lords of their Majesties' Privy Council do hereby recommend to the Lords Commissioners of their Majesties' Treasury to cause present payment be made to the magistrates of the several burghs following, who have engaged seamen for their Majesties' service, of the sum of forty shillings sterling for each seaman whom they have engaged, . . . viz: to the magistrates of Kinghorne for six seamen; to the magistrates of Dunbar for that town, Coldinghame, Northfield, Ross, and Eymouth, two seamen; to the magistrates of Queensferrie for that town, four seamen, and for Cramond one seaman; to the magistrates of Craill for that town, three seamen; to the magistrates of Kirkaldie thirty-nine seamen; to the magistrates of Burntisland for that town and the town of Aberdour, six seamen; to the magistrates of Innerkeithing for that town and North Queensferrie, five seamen; to the magistrates

¹ James Brodie, of Brodie, Morayshire.

² The MS. spelling of these burghs is retained.

of Dysert for that town, sixteen seamen, and for Wester Weems, five seamen, and Buckhaven, three seamen; to the magistrates of Pittenweeme for that town ten seamen, and for Enster Easter, three seamen, and for Gairdbridge one seaman; to the magistrates of Aberbrothwick for two seamen; and to the magistrates of Aberdeen for eight seamen—[114 seamen in all]: And the said Lords ordain the magistrates of the several burghs foresaid to take sufficient surety from each seaman to whom they shall advance the said forty shillings sterling that he shall be in readiness at Leith to embark for their Majesties' service how soon and whensoever he shall be called for; and declare that the said magistrates to whom the said levy money is to be advanced are hereby obliged to refund to the said Lords Commissioners of Treasury the said sum of forty shillings sterling for each seaman reported by them to have taken on for their Majesties' service and for whom they shall receive the like sum, in case the said seamen shall not be in readiness at Leith and embark for their Majesties' service, as said is, reserving to the magistrates their relief against the said seamen and their sureties to be taken by the magistrates, as said is.

Ibidem.

Edinburgh. 1st March, 1692.

Committee to Draw Two Drafts of Letters anent Seamen.

The Lords of their Majesties' Privy Council do hereby recommend to the Lord Viscount Stair, Enstruther of that ilk, one of the Senators of the College of Justice, and Sir Patrick Murray of Saltcoats, or any two of them, to meet this afternoon and consider the lists of seamen and fisher-

men sent in to the clerks of Privy Council from the several burghs of this kingdom and other places within the same, and to prepare the draft of a letter from the Council to these burghs who have sent in lists of seamen, and have therein offered as volunteers such a number as will extend to or exceed the fourth part of the seamen and fishermen in their bounds, returning them the Council's thanks, and appointing them to send in these and what more volunteers they can to Leith to be shipped for the fleet royal, and assuring them of forty shillings sterling of levy money for each volunteer and of sufficient provisions to these volunteers upon the way from their homes to Leith; and also a draft of another letter to these burghs and places who have either sent in no lists or who have not with these lists returned the names of as many volunteers as extends to the fourth part of the whole seamen and fishermen within their bounds, commanding them to fix upon by lot and secure the fourth person of all seamen and fishermen in their bounds and to send them under a sufficient guard to Leith, and promising forty shillings sterling of levy money for each person so secured and sent, and appoint these persons to be sixteen years of age at least and not above sixty years at most, and that no sick nor infirm persons be amongst these to be sent in, but that such be counted off and remain amongst the other three parts who are to stay at home.

Ibidem (résumé).

Edinburgh. 15th March, 1692.

The Lords ordain their Majesties' Solicitor and his assistants to frame letters of horning¹ against the magistrates or chief persons of the

¹ A Scots legal term meaning outlawry—called horning because part of the formality in outlawing was for a messenger at arms to give three blasts on a horn at the Cross of Edinburgh,

sea towns and royal burghs, who have failed to give up lists of their seamen, charging them peremptorily to do so before 19th April next.

Ibidem.

Edinburgh. 28th April, 1692.

Order Anent a Danish Ship seized in the Road of Leith by an English Man-of-War.

The Lords of their Majesties' Privy Council being informed that Captain Anthony Roope, captain of the Sheerness, one of their Majesties' men-of-war, hath seized upon a ship belonging to Hans Jesperze, subject to the King of Denmark, called the Emanuell of Flenbergh, laden with wine, brandy, writing paper and prunes the time she was in the road of Leith, and the said Lords considering that it is against the rights and privileges of this kingdom for the subjects of any other kingdom or commanders of ships belonging thereto to seize upon any ship within the lochs or rivers of this kingdom and carry the same away as prizes without legal trial and adjudging the same as such before the High Court of Admiralty thereof, therefore the said Lords require and command the said Captain Roope to deliver back the said Danish ship to the said Hans Jesperze and put him and his company in the peaceable possession of the same and lading thereof, to be by him brought in to the harbour of Leith and delivered to the water baillie there, who is to detain the said ship and lading aye and until sufficient caution be found in the books of Privy Council for answering and obeying any process and sentence to be intended and pronounced in the said matter before the High Court of Admiralty of this kingdom; for all which this shall be a sufficient warrant.

Warrant for bringing Captain Roope to the Lord Chancellor.

Order given to the macers¹ of Council warranting and requiring them to repair to the town of Leith and there to make enquiry for Captain Roope, captain of his Majesty's ship the Sheerness, and in case he be not on his way or immediately about to repair to the Lord High Chancellor, conform to his Lordship's letter direct to him for that effect, then to call for assistance of the magistrates of Leith and take the person of the said Captain Roope in custody and detain him till further order.

Ibidem (résumé).

Edinburgh. 10th June, 1692.

Commission granted by the Lords of Privy Council to Captain Mathew Campbell, master of the ship or frigate called the William and George of Glasgow, who has offered to serve their Majesties with the said ship against their enemies, appointing him captain of the said ship, which is of the burden of one hundred and eighty tons or thereby, and to have sixteen guns with all ammunition proportionable, as a man-of-war in their Majesties' service against the French or other their enemies or rebels.

Similar commission to Captain Hugh Campbell to be captain of the good ship or frigate called the Elizabeth of Argyll, of the burden of sixty tons or thereby, and to have fifteen guns and all ammunition proportionable.

¹ Macers are in Scotland, officers attending on any Court whose duty it is to preserve silence, and to execute the orders of the judges, &c. They were mace-bearers.

Ibidem.

Edinburgh. 8th November, 1692.

Liberation for some Seamen seized by Captain Kiggens.

The Lords of their Majesties' Privy Council being informed by the Lord Chancellor that his Lordship having notice that Captain —— Kiggens, captain of the Greyhound frigate, had violently pressed Robert Reidhead, John Dickisone, Thomas Lyndsay, Henrie Newtoun and Jacomy, a cook, from out of the ship called the Swallow of Leith, and carried them aboard of his frigate, his Lordship called for the said captain, and after shewing him that his Majesty had signified his royal pleasure that the seamen of this country should be free from press in respect of their voluntary levies, he prevailed with the said captain to set the said seamen ashore, and ordained the magistrates of Leith to secure and detain them until his Lordship should acquaint the Council. And the said Lords considering that the said Captain Kiggens stands in need of about twenty-five seamen and a pilot for sailing his frigate, they hereby recommend to and require the magistrates of Edinburgh and of the several burghs upon this Firth to be assistant to the said Captain Kiggens in supporting him with the above number of seamen upon reasonable terms. And the said Lords do hereby give order and warrant to the baillies of Leith to set at liberty the foresaid seamen forth of their tolbooth that the ship whereto they belong called the Swallow of Leith may go on in the voyage which she is designing for the Madairie Islands; and recommend to Sir Patrick Murray to give in to the Lords of their Majesties' Treasury a list of

the burghs which have failed to furnish their proportion of the late levy of seamen, that their Lordships may give order for supplying the said Captain Kiggens with the above number of seamen out of the said burghs, if they shall see cause.

Edinburgh. 27th December, 1692.

Warrant to give up Captain Hugh Campbell's Bond.

Anent the petition given in to the Lords of their Majesties' Privy Council by Captain Hugh Campbell, master of the ship called the Elizabeth of Argyll, Mr. John Campbell, brother to the Earl of Argyll, and Sir Colin Campbell of Arkinlayes, shewing that whereas the said Lords in June last having granted a commission to the said Captain Campbell to go out as a privateer and he, as principal, and the said Mr. John Campbell and Sir Colin Campbell, as cautioners,¹ having given bond for faithful observing and performing of all things requisite on his part, according to the true meaning of the said commission, and now seeing their Lordships have suspended the said commission so that the said Captain Hugh Campbell cannot act any more by virtue thereof, and therefore craving to the effect underwritten as the said petition bears ; the said Lords of their Majesties' Privy Council, having considered this petition given in to them by the above Captain Hugh Campbell and others, they hereby allow the clerks of Privy Council to deliver up to the petitioners or either of them the above bond of cautionary, the petitioner first delivering back to the said clerks the above commission of Council granted to the said Captain Hugh Campbell.

¹ In Scots law, the person who is bound for another to the performance of an obligation.

State Papers (Scotland) Warrant Books, vol. XV., No. 334.

*A Mediterranean Pass to Thomas Gordon,
Master of the Margaret of Aberdeen.*¹

[LOCUS SIGILLI]

Gulielmus et Maria Dei gratia Magnæ Britanniae Franciæ et Hiberniæ Rex et Regina, Fidei Defensores, &c Serenissimis Imperatoribus et Regibus, Celsissimis Illustrissimis Principibus, Ducibus, Statibus, Comitibus, Thalasiarchis, Dynastis, Strategis, Itemque portuum navium fluviorum pontium viarumque Præfectis, aut quocunque alio magistratus munere prestantibus, cunctisque aliis ad quorum manus hæc pervenerint salutem: Quandoquidem hæc nostra navis Margareta Aberdoniæ in regno nostro Scotiæ appellata centum nautas triginta tormenta bellica quatuor-que paterara in navi portans sub ductu Thomæ Gordon naucleri a Campheer² in Belgia per mare mediterraneum navigatura est: Liceat ergo pace vestra prædictam nostram navem in obeundo sua negotia quiete et in securitate sine molestia interpellatione ullove alio impedimento ire et redire. Nos etiam his præsentibus huic nostræ navi veniam auctoritatemque concedimus contra omnes alias naves ad inimicos nostros pertinentes, ipsamque invadentes sese defendere easque capere, submergere, ullove alio modo quocunque potuerit destruere. Hoc sub chirographo sigillisque nostris regiis huic commeatui appositis datur in regia nostra Albaulensi vigesimo octavo die mensis Februarii Anno Dñi millesimo sexcentesimo nono-
gesimo tertio, anno regni nostri quarto.

GULIELMUS, R.

Ex mandato Regiæ Maj^{tatis},
JO. DALRYMPLE.

¹ See the Stirling- Home- Drummond-Moray papers, *Hist. MSS. Commission*, 1885, p. 185.

² The Scots staple port in Holland, Campvere—now Veere. See *The Scottish Staple at Veere*, by J. Davidson and A. Gray.

Minutes of the Privy Council of Scotland.

Edinburgh. 6th March, 1693.

Letter from the King anent Seamen.

The subsequent letter from the King's Majesty to the Council being read, was ordered to be recorded, and appointed the clerks of Council to seek out and produce to the Council at their meeting the morrow the former orders of Council emitted for levying seamen the last year with the whole procedure of the committee appointed in that affair. Follows the tenor of the letter :—

(*Sic suprascribitur*) WILLIAM R.,—Right trusty and right well beloved cousins and counsellors, right trusty and entirely beloved, etc., we greet you well. Whereas our safety and the common safety and welfare of our kingdoms doth require that our fleet be provided sufficiently with seamen, we do assure ourselves of all the assistance from that our ancient kingdom that they did last year or are now able to afford us. Therefore it is our pleasure, and we do recommend it to your care, to fall upon the most speedy and effectual means for providing what numbers of seamen you are able to levy in that our kingdom, for whose encouragement there are bills ordered for payment of forty shillings to each seaman that shall be received at or before the last day of April next, at which time there shall be convoys in the river of Forth to transport them, and they are to have the same pay, entertainment and encouragements from their entry that our English seamen do receive. As also for the further security and encouragement of the free trade of that our ancient kingdom we have ordered a rule to be made

in our Admiralty of England to be published in the gazettes, that no pressmaster shall have power to press or seize any seamen aboard any ships belonging to Scotland, whereby they will be in great safety for the future. We doubt not of your utmost endeavours in this matter which we consider of importance to the public service, and so we bid you heartily farewell. Given at our Court at Kensington, the twenty-eight day of February, 1693, and of our reign the fourth year, by his Majesty's command (*sic subscribitur*),

JO. DALRYMPLE.

Ibidem.

Edinburgh. 6th March, 1693.

Anent David Dunbar, Skipper.

The Council appoint their clerks to make search if there be bail found for David Dunbar, skipper, or upon what other terms he is liberated, in respect the Council is informed that he is commanding a French privateer and has taken some Scots ship or ships.

Ibidem.

Edinburgh. 7th March, 1693.

Anent Robert Dunbar, Skipper.

The Lords of their Majesties' Privy Council do hereby appoint Sir James Ogilvie,¹ advocate, their Majesties' Solicitor, to look out the horning raised against Robert Dunbar, skipper, and his cautioners and to report to the Council what diligence is

¹ Afterwards first Earl of Seafield and fourth Earl of Findlater, was appointed their Majesties' Solicitor on 31st January, 1693.

done upon the bond whereupon that horning is raised, that the penalty may be forfeited and exacted, in respect they are informed that the said Dunbar is now commanding a French privateer and has taken some Scots vessels and made prize of them.

Ibidem (résumé).

Edinburgh. 7th March, 1693.

A Committee of the Privy Council is appointed to see to the speedy raising of the levy of seamen.

Ibidem.

Edinburgh. 14th March, 1693.

Memorial: Mr. William Erskine anent Seamen.

Mr. William Erskine, lieutenant-governor of Blackness Castle, gave in the following overtures anent seamen, viz:—*Primo*, that the King shall order his pressmasters to press no seamen out of any ships who shall have his pass or declaration that they have given in their proportion of number of seamen; *Secundo*, that the King will order the Scottish seamen to be equally exchanged with the English when taken out of their Majesties' ships by the French; *Tertio*, that they shall have the same benefit with the English of hospitals when disabled in their Majesties' service; *Quarto*, that there shall be forty shillings allowed for each seaman and what necessary expenses and charges he is at in procuring of them and for his pains he shall refer it to the King or Council.

Committee anent Seamen.

The Lords of their Majesties' Privy Council, having heard the report of the Council anent

seamen with the above overtures given in by Mr. William Erskine, lieutenant-governor of Blackness Castle, read in their presence, they recommend to the committee formerly appointed in this matter to meet again and to speak with Mr. Erskine anent the several particulars in his overture and to prepare a proclamation for levying of seamen, and add the Lord Viscount Stair to the foresaid committee and continue the quorum as formerly ; and appoint them to meet to-morrow at ten in the forenoon.

Ibidem.

Edinburgh. 20th March, 1693.

Letter from the Council to Secretary Johnstoun¹ anent Robert Dunbar and the Earl of Argyll's Privateer.

The Lord High Chancellor acquainted the Council that Robert Dunbar, a Scotsman, who commands a French privateer, has now lately seized a ship with Spanish wine belonging to Scots merchants, and after he has put a price or ransom upon the ship and loading has sent home the same, but detains the skipper or master as surety for the price or ransom ; and the Lord Chancellor having produced a letter from the Laird of Howstoun to Sir Archibald Muir, late provost of Edinburgh, tacksman of their Majesties' customs that a privateer belonging to the Earl of Argyll having an English commission lies at the bay of Gourock, searches all ships for unfree goods from Bilboa and places in the West Indies, whereby the whole merchants in the western parts are in a consternation and all trade there will be certainly stopped,

¹ Secretary of State for Scotland from the spring of 1692 (*State Papers Scotland Warrant Books*, vol. xv, p. 100) to 1696. Was Lord Clerk Register from 2nd June, 1704, to April, 1705.

which being read, a letter was appointed to be sent to the Secretaries of State by a flying packet to acquaint his Majesty with this affair, and desire two fifth or sixth rate ships or two Dutch ships for securing the Scots coast, and this kingdom will pay the men ; which being instantly drawn was read, voted, approven and ordered to be recorded, and recommended to the Lord Chancellor to sign the same in name of the Council and dispatch it between and ten of the clock : The tenor whereof follows :—

Right honourable,—We are this day informed that one Captain Dunbar, who hath a commission from the French King and came lately and supplied the Bass and carried away two vessels laden with corn out of our Firth, hath taken a vessel belonging to our merchants laden with Spanish wine off Buchanness, whereby the trade of this kingdom is like to be much interrupted in prejudice both of our merchants and of the King's customs ; and we have caused try if any of our ships might be found fit to be rigged out for to cruise on the east coast but find none ; and therefore you are desired to represent the matter to the King that it may please his Majesty to order two English fifth or sixth rate frigates to be sent down to cruise between Tinmouth and Dungsbayhead¹ for our security ; and if his Majesty will lend us the ships we will furnish and pay the men, for there is a necessity that the ships be subject to our orders, lest otherwise they trouble our merchants' ships in such manner as the trade of this kingdom cannot suffer. If English ships cannot be spared it is thought the King may procure us two Dutch small frigates who will be less troublesome to our

¹ Tynemouth and Duncansbay Head.

merchants, and when they come they shall have all the encouragement can be given them, or otherwise they shall be free to return.

We have likewise a report from the west that the Earl of Argyll's frigate (as she is called) under the command of Captain Hugh Campbell, lies in the Bay of Greenock, and sends armed men aboard our vessels that come to Clyde, and searches them also exactly for all goods as if they were enemies, and therefore we have ordered the captain to be brought in and his ship secured until we know his warrant; and we hope his Majesty will give orders that no commission shall be given by the Admiralty of England to trouble ships within our seas and waters, specially ships belonging to our merchants, unless the users of such commissions receive rules from and be subject to this Board, and that if any such commission be given that it may be recalled.

These things being very concerning to our merchants and to their Majesties' customs and excise we expect your diligence and care to have his Majesty's orders therein so soon as possible. Signed in name and at command of the Council by your humble servant (*sic subscribitur*),

TWEEDDALE,¹ Cancel: I.P.D.

Ibidem (résumé).

Edinburgh. 20th March, 1693.

The Lords recommend to Sir James Steuart² their Majesties' Advocate to prosecute Robert

¹ John, second earl, was created Lord High Chancellor of Scotland on 5th January, 1692. He was created Marquess of Tweeddale on 17th December, 1694, and was Commissioner to the Scots Parliament of 1695. He died on 11th August, 1697.

² Sir James Steuart of Coltness was appointed Lord Advocate on 20th December, 1692, and continued in that office until after the Union in 1707.



Dunbar, skipper, before the High Court of Justiciary for the crime of perduellion¹ against their Majesties and the government by commanding a French privateer and seizing ships belonging to the subjects of their Majesties.

Ibidem.

Edinburgh. 20th March, 1693.

Order for Seizing Hugh Campbell and his Ship.

The Lords of their Majesties' Privy Council having heard and considered a complaint made to them by the tacksmen of their Majesties' customs of the oppressions committed by Hugh Campbell, master or captain of a ship of some force said to belong to the Earl of Argyll, upon several of the ships of the merchants of Glasgow trading in the river of Clyde, by searching them and stopping and detaining them in their voyages, to the great obstruction of the traffic of this nation and detriment of their Majesties' revenue arising therefrom; therefore they hereby give power, order and warrant to the tacksmen and farmers of their Majesties' customs, or any one of them and such as they shall employ (for whom they are to be answerable), to seize upon and secure the said Hugh Campbell, commander of the said ship, and the ship under his command, and detain him in custody until he find sufficient caution to appear before the said Lords of Privy Council upon the first Tuesday of April next and give an account of his proceedings and answer for his oppressions committed upon the merchant ships under the penalty of one hundred pounds sterling, and to take the 'raes' and sails from the said ship and detain her in a safe harbour till his said appearance. And the said Lords require and command all

¹ Treason.

sheriffs of shires, magistrates of burghs and officers of their Majesties' forces to concur with and give assistance to the said tacksmen or any of them or these commissioned by them in the speedy and punctual execution of the premises, as they will be answerable.

Ibidem.

Edinburgh. 27th March, 1693.

Liberation of Hugh Campbell.

The Lords of their Majesties' Privy Council do hereby give order and warrant to the magistrates of Edinburgh and keeper of their tolbooth to set at liberty Hugh Campbell, commander of the frigate called the Elizabeth of Argyll, presently prisoner therein, in respect he has given bond and found sufficient caution acted in the books of Privy Council that he shall keep the public peace and that he do no hurt or prejudice to any particular person or persons, and that he shall appear before the said Lords of Privy Council upon the fourth day of April next under the penalty of two thousand merks in case he shall transgress in any part of the premises.

Ibidem.

Edinburgh. 4th April, 1693.

Letter from the Secretary anent Two Frigates to the Firth, and Commission for Searching Scots Ships. . . .

A letter from James Johnstoun, Esquire, Secretary of State, to the Lord High Chancellor, giving account . . . that two frigates will be sent to the mouth of the Firth and the commis-

sions authorising the search of Scots ships under the pretence of trafficking with France will be recalled. . . .

The Acts of the Parliaments of Scotland, Vol. IX, Appendix, pp. 70-71.

18th April, 1693.

Speech of William, Duke of Hamilton, H.M. High Commissioner to Parliament.

. . . And for recovery of trade and support thereof in time of war, it will be worthy of your most deliberate and serious consultations to fall upon the readiest means of effectuating the same, as how some ships of war of competent force to defend our coast from privateers and to convoy our merchant ships may be provided now, and more built hereafter, which may not only serve for that use in time of war, but be employed for trade in the time of peace.

Minutes of the Privy Council of Scotland (résumé).

Edinburgh. 28th April, 1693.

The Council add the Earl of Linlithgow, Lord Raith, Treasurer Depute, and the Lord Advocate to the Committee anent seamen, and to meet tomorrow and arrange measures for completing the levy.

Ibidem.

Edinburgh. 2nd May, 1693.

Proposal the Council to the Parliament anent Seamen.

The subsequent recommendation or proposal being drawn was immediately carried into the

Parliament ¹ unsigned, and the same is engrossed in an Act of Parliament upon the fourth day of this same month. Follows the recommendation or proposal :—

The Lords of their Majesties' Privy Council in compliance with his Majesty's letter for that effect recommend to their Majesties' High Commissioner and Honourable Estates of Parliament that an order of Parliament may be emitted appointing the magistrates of all the burghs royal, burghs of regality and baronies upon the sea coasts of this kingdom, and others the heritors upon the sea coasts, to make up lists of the whole seamen, fishermen and boatmen within the bounds of their respective jurisdictions, and cause cast lots for the fourth man that is between sixty and sixteen in all such burghs and places, which furnished no seamen the last year in obedience to the Council's orders for that effect, and thereafter to cast lots for the eighth man contained in the said lists to be made up by oath or any other legal method by the said magistrates within the whole bounds respectively abovenamed ; and the magistrates and heritors are likewise to cast lots for the wilfully absent or unwilling seamen, and which fourth and eighth man the said magistrates and heritors are immediately to seize and deliver to Captain William Erskine, lieutenant-governor of Blackness, or such as he shall depute and give commission to for that effect, who (for the better ease of the magistrates respective foresaid) is to be instructed for receiving and transporting the said seamen immediately after they are listed, and to carry them to Leith, where every seaman that engages

¹ *The Acts of the Parliaments of Scotland*, vol. ix, p. 254.

in the service is to receive twenty-four pounds of gratification, by and attour their constant pay thereafter, conform to the English establishment ; and the said Captain Erskine is to transport the seamen to be levied from Largs to Dundee inclusive before the twenty day of May instant and the seamen of other places between and the first of June next.

Ibidem.

Edinburgh. 8th May, 1693.

*Recommendation to His Majesty's Commissioner
Anent a Vessel in the Firth with an English
Commission.*

The Lord High Commissioner and Lords of their Majesties' Privy Council being informed that there is a vessel with an English commission to be a privateer presently within the Firth, whereof Meek is commander, and who searches Scots ships not only for French goods but even for tobacco or other goods come from the Plantations, albeit these goods were imported some years ago, the said Lords do hereby recommend to his Grace, his Majesty's High Commissioner, as Lord High Admiral¹ of Scotland to call the commander of the said vessel before his Grace, and examine him anent his deportment and the terms of his commission, and to give such orders and commands to the said commander as his Grace shall find just, that Scots vessels may not be searched for goods coming from the Plantations nor troubled nor hindered in any ports belonging to this kingdom.

¹ The Duke of Hamilton.

Edinburgh. 13th May, 1693.

*The Lord Commissioner's Report anent the Ship
with the English Commission in the Road of
Leith.*

The Lord High Commissioner acquainted the Council he had called for the commander of the ship of war now lying in the road of Leith and had taken inspection of his commission, and find it to run thus—that he fall upon all the King's enemies, but mentions nothing of searching Scots ships—and having examined the commander, he told him he used no such practice, but would not give a particular promise or engagement against it, and that his Grace is informed he has since promised so much to the merchants.

Ibidem.

Edinburgh. 22nd May, 1693.

*Act : Mr. John Duncan and other Merchants
Trafficking in Foreign Parts.*

Anent the petition given in to the Lords of their Majesties' Privy Council by James Grahame and Mr. John Duncan for themselves and the remanent merchants trading into foreign parts, showing that where in the time of war the petitioners pursue their trade only in these methods which have been accustomed, which is not only their interest and that of the whole kingdom, but particularly the great interest of their Majesties' custom and foreign excise, and yet, contrary to the right and dignity of the nation and honour of the government, their ships when come within Scots waters and even within their own harbours and entries made and the King's waiters on board are violently seized by English

men-of-war, which may also lawfully be done by Dutch Danes or any other foreigners, it being most certain that as Scotland is an absolute kingdom so neither English nor other foreigners have the least power within the Scots waters and harbours, and that any attempts made by them of this kind is a high violation of the law of nations ; and seeing that it belongs to the Council to provide some remedy for this great disorder, and that now is the season that the petitioners ought to have some just assurance for following out their trade with entire safety from all such attempts in time coming ; and therefore humbly craving that for the past as well as for the future they may have a declaration that they and their ships and goods shall have the full protection of the government. The Lords declare and assure them that they shall have the full protection of the government for the future.

Ibidem.

Edinburgh. 26th May, 1693.

The Seamen to be Offered by way of Instrument.

The Lord High Commissioner acquainted the Council that his Grace is informed that the commander of the Centurion, now lying in the road of Leith and who should have received the seamen from this kingdom, has refused to receive the same, and Mr. William Erskine, who had been ordered by the Parliament to levy the seamen, being called in, the Council ordered him to carry the seamen he has in readiness to the Centurion and make offer of them to the captain-commander of that ship by a notary and take instruments upon his offer and the answer which shall be made thereto and report to the Council.

Seafield Correspondence (Scottish History Society), p. 104.

For Sir James Ogilvie of Church-hill, their Majesties' Solicitor, these.

Right Honourable,—For ten or twelve days past, there have been privateers on this coast under French colours, and one Scots trading ship has been taken at Findhorn and another in Gamrie bay. We judged it therefore fit to acquaint your Honour, that you may procure some frigate or other to cruise on this coast and the Buchan Heads, otherwise it will be impossible for ships to travel.

JOHN GORDON,
ALEX^r WALLACE,
R. SANDERS.¹

Banff. 12th June, 1693.

Ibidem, p. 105.

For the Earl of Findlater.

My Lord,—. . . I was at Slains on Friday and my Lady Erroll told me that there was a vessel that belonged to Sir James Ogilvie was chased into the Bullers of Buchan by a caper, and was very nearly taken. . . . There are just now very many capers on this coast. . . .

PATRICK OGILVIE.

Cairnbulg. 25th June, 1693.

Minutes of the Privy Council of Scotland.

Edinburgh. 29th June, 1693.

Letters to the King and Queen anent seizing Scots Ships in our own Ports.

The two letters, whereof the one to the King and the other to the Queen's Majesty complaining

¹ Magistrates of Banff.

that our merchant ships are seized by English and Dutch men-of-war or privateers in the Scots ports and waters, which were formerly read in Council, read again this day and subscribed and appointed to be recorded: Follows the tenor of the letters :—

LETTER TO THE KING.

May it please your sacred Majesty.—Albeit that your Majesty by your former letter was pleased to order that no English ship should search for goods but only for persons aboard of our ships, which certainly implies that our ships should not be seized, yet Captain Thomas Wilkiesone, commander of an English ship called the Countess of London hath had the boldness to seize a ship called the Fortune of Flenburg, Laurence Patersone, master, within the river of Forth, and when ordered to restore instead of obedience did set sail and took her away; whereupon having for the time in the road of Leith the Sweepstakes, one of your Majesty's ships of war, we required Captain [Andrew] Douglas, commander, to go after Captain Wilkiesone and oblige him to his duty, but when Captain Douglas came up to him they soon agreed, and Captain Wilkiesone delivered him the foresaid vessel and took his receipt and obligation to bring her to the river of Thames and present her to the Lords of your Majesty's Admiralty. And this is not the only instance of this sort, but both in our east and west seas and in the ports and harbours thereof our merchant ships have been seized and some of them carried away by English and Dutch privateers as if they were our enemies.

And further we are informed that several other merchant English ships have taken out commissions of mart from the Admiralty against unfree traders, which we see they mostly make use of against our ships coming from the Plantations and in our seas and rivers, albeit [it] be certain that before this late war none of our ships could be attacked or molested on that account at sea, but only in the ports and harbours of America. But these abuses are now gone to that height that the farmers of your Majesty's customs, complaining of the interruption of trade, have given over, and our merchants are so much discouraged and prejudiced by these attempts that many of them already have given over trade, and the rest must follow their example if your Majesty do not order a speedy remedy. Therefore we most humbly intreat your Majesty to give the necessary orders for causing the foresaid vessel with its cargo carried away by the Sweepstakes to be restored to our merchants her owners, and also to issue forth orders to all ships of war, privateers or others, that for hereafter they attempt not to seize or meddle with any ships (not open enemies) within our rivers and ports upon their highest peril; as also to move the Estates General of the United Provinces to give the like orders, which, being not only necessary for the security and freedom of the trade of this kingdom and the interest of your Majesty's customs, but likewise for preserving the rights and honour of this your ancient kingdom, which is undoubtedly absolute and independent, we are most assured that your Majesty's princely care of us will fully satisfy in this matter as in all others the earnest expectation of all your good subjects. May it please your Majesty, your

Majesty's most humble, most faithful and most obedient subjects and servants,

(*Sic subscribitur*) TWEEDDALE, Cancel,
HAMILTON,
ERROLL,
LINLITHGOW,
STRATHMORE,
KINTORE,
BREADALBANE,
TARBAT,
POLLWARTH,
JOHNSTOUNE,
JA. STEUART,
AD. COCKBURNE,
ANSTRUTHER.

LETTER TO THE QUEEN IN SIMILAR TERMS.

Ibidem.

Edinburgh. 3rd August, 1693.

*Committee upon the proposal for securing trade
against French capers.*

The Lords of their Majesties' Privy Council, having considered a proposition offered by the merchants for securing their trade and trading ships against the French capers, they hereby recommend to the Earls of Linlithgow and Annandale, the Lord Raith, Viscount Tarbat, Lord Pollwarth and Sir Thomas Livingstone to meet and consider the necessity of the proposal, with what other overtures may be offered for the preservation and safety of trade, and declare any three of the above committee to be a quorum and recommend to them to meet in the afternoon.

Seafield Correspondence (Scottish History Society), p. 113.

Edinburgh. 7th August, 1693.

Sir James Steuart, Lord Advocate, to Sir James Ogilvie, Solicitor-General.

Sir,—. . . But the business which [in the Privy Council] took us up was in the very entry a proposal [which] was made by the Lord Chancellor for a ship to defend the coast ; but Duke Hamilton moving that its commission must be from the Admiralty, and the Chancellor not naming the Duke on the committee, occasioned a mistake that spent time and frustrated the matter, the Duke contending that it was a matter of charges and belonged to the Treasury. . . .

JA. STEUART.

The London Gazette, No. 2898.

Edinburgh. 12th August, 1693.

Vessel arriving at Leith from the north reported engagement of their Majesties' ship Centurion with 6 French privateers for several hours, and that the Kingsfisher, which was within noise of the guns, took 3 of the privateers into Orkney where she left them, and herself sailed away.

Minutes of the Privy Council of Scotland.

Edinburgh. 25th August, 1693.

Letter from the Queen to the Council in answer to theirs.

The subsequent letter being read was ordered to be recorded whereof the tenor follows :

(*Suprascriptur*) MARIE R.—Right trusty and right well beloved cousin and councillor, etc.,

we greet you well. Whereas by your letter dated the twenty-ninth of June last you did represent the seizure of a ship by an English privateer within the river of Forth as an encroachment upon the rights of that our ancient kingdom and a great discouragement to your trade and prejudice to our customs there, we gave them orders to enquire into that matter that all justice and right might be done to you. Till now that the business was determined in the court of our Admiralty we could make no return to yours, but now by admitting your plea to return the ship to be judged there in our Admiralty of Scotland you may be well satisfied of our care and concern we take of the rights, immunities and honour of our ancient kingdom as well as of its welfare and trade. You may be assured upon all occasions we will be ready to give the evidences of a particular regard to that kingdom of which we are, and where our royal ancestors have ruled by the succession of so many ages, and not doubting of your zeal and care for our service and the public good, especially at this time of the King's absence, we bid you heartily farewell. Given at our Court at Kensington, the 19th day of August, 1693, and of our reign the fourth year.

(*Sic subscribitur*) M. R.

Ibidem.

Edinburgh. 26th September, 1693.

Committee for seeing the Answers made to the Interrogators anent a ship carried out of Forth to England right worded.

The Lords of their Majesties' Privy Council being informed that there is a commission directed

from the Admiralty of England to the magistrates of Edinburgh for examining witnesses anent the ship seized in the river of Forth and carried to England by an English man-of-war or privateers, and that among the interrogators sent from England to be asked at the witnesses this is one, viz. whether or not Scotland be a free nation independent of the kingdom of England, and whether or not the Admiralty Court of Scotland be a supreme court independent of England, they recommend to the Viscount of Tarbat, Lord Register and Sir James Steuart, their Majesties' Advocate, to see the right wording and extending of the answer to the said interrogators.

Ibidem.

Edinburgh. 27th September, 1693.

Act: William Corss and others anent a Ship.

Anent the petition given in to the Lords of their Majesties' Privy Council by William Corss and partners, merchants in Glasgow, shewing that where there is a small vessel of ten guns cruising in Clyde, the master thereof, under a pretence of a commission from the Admiralty of England for searching after goods from France or from America, enters aboard all ships coming out from or going into Clyde and takes provisions and what else he finds for him at his pleasure, and not only so, but threatens to carry all the ships belonging to Scots men coming from America to be judged and made prize of by the Admiralty of England, which is very prejudicial to trade and to their Majesties' revenues, which might be easily prevented if a ship of force were speedily

equipped at the charge of the public for apprehending the said vessel or others and secure the river of Clyde from all such who may disturb their trade, and because there is no ship of force there belonging to their Majesties, the petitioners are content to equip a ship of their own of twenty guns now lying in Clyde, now ready to go to sea and serve with her two or three months tear and wear for nothing, which the petitioners estimated at two hundred pounds sterling, if their Lordships will be pleased to furnish thirty land soldiers with a sergeant and thirty seamen with an expert captain and mate, to be paid and victualled by the Treasury, and the ship to be commanded by _____ commissioned by his Grace the Duke of Hamilton,¹ Lord High Admiral of Scotland. And for making the desire of the petitioners the more easy to their Lordships, they are satisfied to advance money for buying provisions for the sea and landmen, paying the seamen their advance wages and defraying all other charges during the service, providing the Commissioners of the Treasury will give orders to the farmers of their Majesties' customs to allow the same to the petitioners in part of the custom and excise of goods to be imported by them, and if the ship should be seized by enemies during the service or lost any manner of way, that their Lordships may order the said farmers to allow her value and worth in the first end of duty and excise of goods to be imported by them and that commission for the value of the ship for that effect. And because they have no sufficient quantity of ammunition, their Lordships may cause supply

¹ The Duke of Hamilton died on 19th April, 1694, and the Admiralty thereafter passed into commission.

what is necessary to the number of six or eight barrels of powder and two chests of small shot ; and therefore humbly craving their Lordships in regard of the petitioners' offer, the tear and wear for nothing of their ship, to take the premises to their consideration and to take speedy course against the violence threatened, as said is, by the said small vessel or any other, whereby the petitioners have ground to hope that not only their own ships may be safe but also the concerns of other merchants may be free from danger threatened in their own rivers by any vessels whatsoever, as the said petition bears. The said Lords of their Majesties' Privy Council having considered this petition given in to them by the said William Corss and partners, merchants in Glasgow, with a reference thereon to the Lords of the Treasury, and the Lord High Chancellor his report from the said Lords, they recommend to his Grace the Duke of Hamilton, Lord High Admiral of Scotland, to grant a commission to any person sufficiently qualified for commanding as captain of the said ship, and recommend to Sir Thomas Livingstone, commander-in-chief of their Majesties' forces within this kingdom, to give orders and command a sergeant with thirty soldiers to go aboard of the said ship and there to receive and obey the commands of the said captain during their abode in the said ship ; and recommend to Mr. Francis Montgomery and Sir John Maxwell of Pollock to call for and make use of such skilled persons as they shall think fit and by them to value and put an estimate upon the said ship, furniture and tackling, upon oath of the said skilled persons to be employed by them, and recommend likewise to the said Sir Francis Montgomery and

Sir John Maxwell to deal with and endeavour to bring any other merchants in Glasgow or upon the river of Clyde, who may have benefited by the said ship and commission, to contribute for her expenses and charge and men aboard of the same, to be reported to the Lords of Treasury with their first conveniency; and recommend to the said Lords of the Treasury to order six barrels of powder and two chests of lead to be delivered to the petitioners upon their receipt out of his Majesty's stores for the service of the said ship.

Ibidem (résumé).

Edinburgh. 28th December, 1693.

The Council appoint Sir James Steuart, Lord Advocate, to examine Alexander Smith (who was recently brought hither from Aberdeen and imprisoned for using expressions against the Government, and thereafter liberated) with regard to his design to hire or buy a ship and use her as a French caper against the ships of this country; also to imprison Smith, if he see cause.

Ibidem.

Edinburgh. 19th June, 1694.

*Recommendation to the Lord Chancellor and
Advocate anent Privateers in Orkney.*

The Lords of their Majesties' Privy Council, having considered a letter from — Grahame of Grameshall, direct to the Lord High Chancellor dated the twelfth day of June instant, giving an account that two privateers had been at Orkney, one of forty-two and another of twenty guns,

that they had fallen upon three English ships whereof they took and carried away one, ransomed a second and burnt a third, that they landed at the Isle of Lambound, plundered some of the inhabitants and threatened they should shortly return and do more prejudice, the said Lords recommend to the Lord High Chancellor to acquaint the Secretaries of State with the contents of his Lordship's letter, and to Sir James Steuart, their Majesties' Advocate, to prepare a draft of a letter from their Lordships to the Steward of Orkney and Zetland, requiring him to take care of the country and to do what he can for security of the place, and to encourage the inhabitants, and return account to the Council of the condition of the country and its inhabitants in order to secure and defend themselves against their Majesties' enemies, and to present the same to the Council against Thursday next.

Ibidem.

Edinburgh. 3rd August, 1694.

*Recommendation for Securing the Sea Coasts
against Privateers.*

The Lords of their Majesties' Privy Council do hereby recommend to the Lord High Chancellor to write to Sir Thomas Livingstone, commander-in-chief of their Majesties' forces within this kingdom, that he dispatch a competent number of the forces lying nearest to Aberbrothick to quarter there for the security of the place against any attempts that may be made thereupon by French privateers or others; and likewise recommend to the said Lord High Chancellor with his first convenience to speak with the said Sir Thomas

anent the fittest measures and places for quartering the rest of the forces for securing the rest of the sea coasts. This was extended and delivered instantly to the Lord Carmichaell to carry it out to Sir Thomas Livingstone to whom he was going to Piltoune.

Nota: This was not subscribed, neither by the Chancellor nor any other Privy Councillor.

Ibidem.

Edinburgh. 11th October, 1694.

Recommendation to ship Six Seamen taken from a French Privateer at Stranraer.

The Lords of their Majesties' Council do hereby recommend to Sir James Steuart, their Majesties' Advocate, to cause ship aboard in the first man-of-war which shall sail from the river of Forth to the kingdom of England, the persons following, viz: Lieutenant Michael Carmick, Richard Dobin, Barnaby Wedd, Bryan McGrae, Robert Playhay, Evis Jarden and Simeon Morgan, who had been aboard a French privateer lying before Stranraer and having come ashore were seized and are now prisoners in the tolbooth of Edinburgh; and in the meantime to write to the Secretaries of State that when the said persons are shipped and shall come to England in case they shall be changed with other prisoners to endeavour that the persons who shall be exchanged for them be Scots men.

CHAPTER III

THE SIEGE OF THE BASS:
1691–April 1694.

INTRODUCTION

THE Bass Rock lies at the south side of the entrance to the Firth of Forth, three and a half miles off the coast of East Lothian. In 1671 King Charles II purchased it from Sir Andrew Ramsay, Lord Provost of Edinburgh, presumably to make it a place of arms, and writing from Whitehall on 21st January that year the King directed the Lords Commissioners of the Treasury of Scotland to appoint some trustworthy persons 'to view the buildings of the Bass and what ordnance and cannon is requisite to be placed therein.' Later in the year the Earl of Lauderdale was appointed during his lifetime captain keeper and governor of the Bass; and on 7th September it is recorded that the garrison was fixed at 18 soldiers with a sergeant and corporal.¹ It became notorious during the Covenanting struggle later in this reign as a prison where many of the Covenanters were confined and died. On 24th October, 1682, James, Earl of Perth, was appointed its sole captain and governor.²

The Bass Rock was held by Charles Maitland as deputy-governor for King James on the outbreak of the Revolution, and was on 15th August, 1689, surrendered by him to Captain Archibald Dunbar for King William. Events on this fortress and state prison took a romantic

¹ *State Papers Warrant Books*, vol. i, pp. 76, 259, 261, 262.

² *Ibid.*, vol. vii, p. 428.

turn in the summer of 1691 when Scotland was settling down under the new sovereigns. Four Jacobite prisoners said to have been captured on 1st May, 1690, at the fight at Cromdale, with the assistance of La Fosse, the sergeant of the garrison, captured the Rock on 15th June, 1691, and held it for King James. Observing that when supplies arrived several of the garrison had to leave the enceinte of the fort to help in unloading the victualling boat, they took advantage of such an occasion when Wood, the lieutenant-governor and some others of the garrison were also absent at Castletown near North Berwick, shut the gates, and turned the guns on those outside. They were soon joined by other adventurous Jacobites from Fife and the Lothians, who kept the flag of King James flying until the spring of 1694.

The episode is so self-contained that the papers—mostly taken from the records of the Privy Council—recounting the naval measures undertaken to reduce the Bass are given in a chapter by themselves. They give picturesque and somewhat amusing colour to the pomp of war, when royal heralds sent to the Rock more than once summoned in vain the garrison to surrender on pain of treason. They illustrate the futility of a feeble blockade commenced by one or two small Scots armed boats hired for the occasion, and the ease with which friends on the coast and occasional French privateers threw provisions and munitions of war into the island fortress. One interesting item of this siege which redeems it from comic opera was a one day's serious though futile bombardment on 14th April, 1692, by two English men-of-war, the *Sheerness* and the *London Merchant*. The log of the *London Merchant* is still extant in the Public Record Office, London, and the account of the bombardment taken therefrom shows the difficulty in those days of doing anything effective from sea against such a high and strong position.

In February, 1694, the Scots Privy Council began to take more effective measures than they had done before, and soon after two armed privateers, the *Lyon* and the *Providence*, whose establishments are given in detail, and

a fireship were commissioned against the Bass. Either on account of this more vigorous pressure, or because there was no object in holding the Rock any longer, the garrison surrendered on 21st April, 1694, and, with all the honours of war, were allowed to go abroad to France.

John Hill Burton, in his account of the siege of the Bass, relies on Dr. Andrew Crichton's narrative of the siege in an appendix to the Rev. John Blackadder's *Memoirs*, reprinted in *Miscellanea Scotica*, the *Melville and Leven Papers*, *State Trials*, *Memoirs of Dundee*, and the *Privy Council Minutes*. Some additional facts are contained in the *Scots Magazine* of 1781, and in *The Seafield Correspondence* (Scottish History Society), pp. 114-144. The new facts given in the following chapter are material for a new and revised narrative of the episode.

Though the fortifications of the Bass were ordered by King William on 30th April, 1694, to be demolished, the order was not carried into effect for a considerable time. The island was in the occupation of a garrison on 9th December, 1697, when the Privy Council recommended 'to Lord Carmichaell, commander-in-chief for the time of his Majesty's forces within this kingdom . . . to give orders to Lieut. John Hay, governor of the garrison which lies in the isle of the Bass, being a detachment of Col. Makgill's and Col. Douglas's regiments, to disband that garrison on Monday next 13th December, and to deliver the arms to the officer of the detachment which shall come to remain in the Bass; also to give orders to Col. Row to cause as many of the soldiers of his regiment to march into the Bass that day.' Two years later, on 2nd February, 1699, the following warrant for demolishing the fortifications of the Bass was issued: 'The Lords of his Majesty's Privy Council having considered a paragraph of a letter wrote by his Majesty to the Lords Commissioners of his Treasury upon the twelfth day of January last, anent the demolishing of the Bass, with a former letter to the Council, dated the thirty of April, 1694 years, upon the same subject, the said Lords do hereby recommend to the Lords Commissioners of

his Majesty's Treasury to cause demolish the fortifications of the said isle called the Bass in such method as they shall find most easy and convenient in obedience to his Majesty's letter.' This seems to have been done, for on 11th July, 1706, the cannon at Leith taken from the Bass were given over to Captain Thomas Gordon to ballast the Scots man-of-war, the *Royal William*, under his command.

On 31st July, 1706, the Crown issued a warrant¹ for a charter of the Bass in favour of Sir Hugh Dalrymple of North Berwick, President of the Court of Session, 'without prejudice' to the right Lord Alexander Hay has to the solan geese of that isle to which he has right during her Majesty's pleasure, and also that her Majesty shall if she thinks fit put a garrison into or fortify the said isle as the same was formerly. The solan geese of the Bass Rock—one of their few habitats in Scotland—afford one of the earliest examples of legislative bird protection. The Scots Parliament of 1592² 'understanding how profitably the solan geese and other fowls which haunt repair and biggs within the Isle of the Bass yearly are to the common weal of this realm,' in confirmation of an act of the Privy Council of Scotland of 21st January, 1583, authorised Mr. George Lauder of Bass to apprehend and try any persons killing them.

¹ *State Papers (Scotland) Warrant Books*, vol. xxii, p. 108.

² *The Acts of the Parliaments of Scotland*, vol. iii, p. 614.

CHAPTER III

The Acts of the Parliaments of Scotland, Vol. IX, p. 78
(résumé).

29th April, 1689.

Charles Maitland, lieutenant-governor of the Bass, is ordered within twenty-four hours to give up command of the garrison to Archibald Dunbar, who has General MacKay's warrant. Failing his doing so he is to be charged by a herald to deliver up the same. People on the coasts of Fife and Lothian are ordered not to correspond with him or give him any provisions.

Ibidem, Appendix, p. 6 (résumé).

3rd May, 1689.

Intimation ordered to be made to the under officers and soldiers in the garrison of the Bass that they will get three months' pay if they put the place into the hands of the Estates. The same day the governor Charles Maitland is denounced a rebel and put to the horn.

Ibidem, Appendix, p. 20.

13th May, 1689.

A commission is given to Captain Archibald Dunbar to garrison Castletown in Lothian with twenty men to secure the coast against the Bass.

Minutes of the Privy Council of Scotland.

Edinburgh. 19th June, 1689.

Supplication by Robert Darg.

His Majesty's High Commissioner and the Lords of his Majesty's Privy Council having considered the supplication presented to them by Robert Darg, William Baxter, and Thomas Soutter, boatmen in the Bass, who deserted the said garrison and command of Charles Maitland upon the Estate's order, and having heard the report of Sir Thomas Moncrieff, to whom the same was remitted, they ordain James Oswald, general receiver of the cess and inland excises, to make payment to the petitioners of ten pound sterling as half a year's fee due to them at Candlemas last.

Act: Daniel Southerland and others who deserted the Bass.

His Majesty's High Commissioner and the Lords of Privy Council having considered the supplication presented to them by Daniel Southerland, Patrick Neill fitt [*sic*] James Milne, James Kerr, William Kello, and John Dunbar, late soldiers in the Bass, who deserted the said garrison and command of Charles Maitland upon the honourable Estate's order, and having heard the report of Sir Thomas Moncrieff, to whom the same was remitted, they ordain James Oswald, general receiver of the cess and inland excise, to make payment to the petitioners of the pay of the month of February and thereafter until they entered into the service and pay of Captain Archibald Dunbar, now constituted governor of the Bass.

Ibidem.

Edinburgh. 20th June, 1689.

*Recommendation to His Majesty's Commissioner
anent the Bass.*

His Majesty's High Commissioner having communicated to the Lords of Privy Council a letter directed to his Grace from Captain Archibald Dunbar, they do recommend to his Grace to give a return to Captain Dunbar's letter and to allow him to answer a parley beat by the garrison of the Bass and to offer, upon surrender thereof and all things belonging to that garrison and Captain Wallace prisoner therein, that the captain shall have his life secured, his liberty and fortune at the King's mercy, and that all the soldiers in the Bass shall have their lives, liberties and fortunes secured to them and freedom to come out with what baggage and provisions they have therein properly belonging to themselves, they leaving their arms behind them, and the captain being detained prisoner until his Majesty signify and declare his pleasure anent him.

Ibidem.

Edinburgh. 24th June, 1689.

Warrant to Capitulate with the Bass.

His Majesty's High Commissioner and the Lords of his Majesty's Privy Council do hereby authorise and allow Captain Archibald Dunbar to treat and conclude with Charles Maitland, present governor of the Bass, for surrendering of the garrison thereof upon the articles following :

1. That Charles Maitland, governor of the said Bass, shall be indemnified as to his

life, liberty and fortune with the officers and soldiers in the said garrison, they taking oath never to carry arms against the present government under King William and Queen Mary, nor to act, consult or contrive in prejudice thereof.

2. They are allowed to carry out with them all the goods properly belonging to themselves.
3. David Maitland, brother to the said Charles, is to be indemnified upon taking the oath of allegiance within forty-eight hours after surrender of the Bass.
4. The said Charles Maitland is to deliver up the garrison within twenty-four hours into the hands of Captain Archibald Dunbar, with the cannon, arms, ammunition, boat and other store belonging to the Bass.
5. And that he put Captain Wallace, prisoner there, in the custody of the said Captain Dunbar ; for doing of all which this shall be to the said Captain Archibald Dunbar a sufficient warrant, and to the said governor and garrison sufficient security for performance of the conditions in manner above written.

Ibidem.

Edinburgh. 1st July, 1689.

*Recommendation to His Majesty's Commissioner
anent the Bass.*

The Lords of his Majesty's Privy Council do hereby recommend to the Lord High Commissioner his Grace to authorise Captain Dunbar to

acquaint Charles Maitland, late governor of the Bass, that he is to have a quarter's pay preceding the first of May last for himself and these now in garrison with him, and upon surrender thereof and whole guns, arms and other property belonging thereto, and the present garrison marching forth of the same allow the said Charles Maitland to continue for the space of one week in the said garrison in order to the transportation or disposal of the goods therein properly pertaining to himself, and afterwards appoint him to repair to this place to receive a precept for his payment upon his giving security to apply the sum to be received by him for payment of the country debt due by him and his soldiers.

Ibidem (résumé).

Edinburgh. 8th July, 1689.

The Lord High Commissioner and Lords of Council, having heard a memorial from Captain Archibald Dunbar about the garrison of the Bass, allow him to take over the said garrison from Charles Maitland, late deputy-governor thereof, on the terms offered, provided the surrender be made this week.

Ibidem (résumé).

Edinburgh. 16th July, 1689.

Remit is made by the Council to Sir John Hall, Provost of Edinburgh, to provide a small vessel to carry a few guns and ten seamen to Castletown for preventing correspondence with the Bass, and the deputy governor from taking any provisions from passing vessels or places on the shore. The men are to be provided with firearms.

Ibidem.

Edinburgh. 26th July, 1689.

Warrant for a Precept to Captain Dunbar.

The Lords of his Majesty's Privy Council do recommend to his Majesty's High Commissioner to draw a precept upon James Oswald, general receiver of the cess and inland excise, for payment to Captain Archibald Dunbar of the sum of seventy-six pounds Scots for fitting and out-rigging the great boat belonging to Charles Maitland lying at North Berwick to cruise about the Bass.

State Papers (Scotland) Warrant Books, Vol. XIV, No. 46
(résumé).

10th July, 1689.

A commission is issued to Robert Wood to be lieutenant deputy governor of the garrison in the Bass under Henry Fletcher captain and governor of the said isle.

Minutes of the Privy Council of Scotland.

Edinburgh. 9th August, 1689.

*Articles whereupon Captain Archibald Dunbar
is to conclude for surrender of the Bass.*

The Lords of his Majesty's Privy Council do hereby authorise and allow Captain Archibald Dunbar to treat and conclude with Charles Maitland, deputy governor of the Bass, for the surrender of that garrison upon the condition aftermentioned, viz. *Primo*, that there be an indemnity to the said Charles Maitland, lieutenant governor of the Bass, and to the inferior officers

and soldiers in the said garrison for their lives, liberties and fortunes ; *Secundo*, the said Charles Maitland is to carry out with him out of the said fort of the Bass all goods, gear, furniture and arms properly belonging to himself, and the inferior officers and soldiers their hoards and goods properly belonging to themselves ; *Tertio*, that David Maitland, brother to the said Charles, and all other persons be indemnified for alleged keeping correspondence with the said Charles, they enacting themselves to live peaceably with the present government under King William and Queen Mary ; *Quarto*, the said Charles Maitland is to deliver up the said garrison with their cannon, arms and ammunition, boats and other stores belonging to the Bass, with Captain Wallace prisoner to Captain Archibald Dunbar ; *Quinto*, the said Charles Maitland is to be allowed eight days' time after the signing the said articles of capitulation for transporting of his goods and plenishing, he delivering up the Bass within forty-eight hours after this is presented to him ; *Sexto*, that the garrison be paid the time of the surrender for the months of February, March and April last ; *Septimo*, that the said Charles Maitland shall be in the same condition with the rest of the lieges for any debt due to him for expenses laid out upon platforms and mending of the crane and boats and other necessities furnished by him since May 1687, whenever he shall pursue therefor before any judge competent.

Ibidem (résumé).

Edinburgh. 19th August, 1689.

The Lords recommend the Duke of Hamilton, president of the Council, to draw a precept upon

the general receivers for the pay of the soldiers and officers of the Bass under the command of Captain Archibald Dunbar for the month of August.

The president of the Council delivered to Sir Thomas Moncrieff, clerk to the Treasury, the inventory of the ammunition, guns and other things in the garrison of the Bass, subscribed on 15th instant by Charles Maitland on his delivery thereof.

Ibidem (résumé).

Edinburgh. 27th August, 1689.

Petition by Harry Fletcher, governor of the Bass, narrating that on the surrender of the fort of the Bass the soldiers, formerly under the command of Captain Archibald Dunbar, were placed as a garrison therein under the petitioner's command, but there being no provisions left in the Bass the Lords ordained that payment for the month of August should be made. The Duke of Hamilton signed the warrant for the precept, but left before the precept itself was signed. Further £15 sterling yearly are allowed for providing coal and other fuel for the garrison and this is the season for inlaying the same, but it is impossible to get it in until the crane be repaired, which is now broken and altogether out of order and will take £12 sterling at least for ironwork, timber and cable. He therefore craves a precept for the pay and fuel and repairing of the crane, and also for £10 sterling due as a half-year's pay to the boatmen according to the establishment. The Lords recommend the Earl of Craford, their president, to sign a precept for these sums.

Ibidem.

Edinburgh. 14th March, 1690.

*Letter from the King in favour of Captain
Archibald Dunbar.*

The letter underwritten from his most excellent Majesty directed to the Council anent the reimbursing Captain Dunbar of the expenses of freighting of boats and seamen for blocking up the garrison of the Bass was read and ordered to be recorded, whereof the tenor follows :—

(*Sic suprascribitur*) WILLIAM R.—Right trusty and entirely beloved cousin and councillor, etc. we greet you well. Whereas there having been a petition presented to us by Captain Archibald Dunbar representing that the charge and expense he was at in freighting of boats and seamen for blocking up the garrison of the Bass¹ did amount to more than one hundred and thirty pounds sterling, which, being for our service, we judge it fit he be reimbursed of the same ; therefore it is our will and pleasure, and we do hereby authorise and require you to call for the said Captain Dunbar his accounts and consider the justness of the same, and accordingly you are to give orders to our general receivers for payment to him what shall be found due ; for doing of which this shall be your warrant. And so we bid you heartily farewell. Given at our Court at Kensington the 2nd day of January, 1689-90 and of our reign the first year, by his Majesty's command. (*Sic subscribitur*)

MELVILL.

¹ In the summer of 1689.

Ibidem.

Edinburgh. 28th March, 1690.

Recommendation to Captain Arendt van den Colick anent Lieutenant-Colonel Wilsone.

The Lords of Council recommend to Captain Arendt van den Colick, commander of their Majesties' good ship of war called the Stadt Breill, to receive aboard of his ship Lieutenant-Colonel Edward Wilsone, sometime prisoner within the garrison of the Bass, and to transport him to the province of Holland and let him free upon the shore of the said province of Holland without suffering him to go ashore upon any other kingdom or nation before his arrival there.

Ibidem.

Edinburgh. 16th June, 1691.

Order for Reducing of the Bass.

The Lords of their Majesties' Privy Council being informed that, through the negligence or rather knavery of the sergeant¹ in the Bass, that island is now fallen in[to] the hands of James Hallyburton, Michael Midletoune, Patrick Roy, and David Dunbar, persons who were prisoners there and who design to keep out the same, they hereby recommend to Sir Thomas Livingstone, commander-in-chief of their Majesties' forces within this kingdom, to take such effectual course for reducing the said island from the hands of the said persons who are now in possession thereof as he shall think fit, and appoint the provost of Edinburgh to cause prepare a boat and such other

¹ La Fosse.

provisions as the said Sir Thomas shall require from him in that affair; and recommend to the Lords of Treasury to cause payment be made to the said provost of Edinburgh upon the sums to be paid to him upon the said Sir Thomas his order; and ordain Henry Fletcher with any one of their Majesties' heralds to pass to the said island of the Bass and, with their coats displayed, in their Majesties' name to require and command the foresaid persons, in whose hands the island presently is, to deliver up the same, and also to render themselves prisoners under the pain of treason, certifying them, if they do refuse, they shall be treated as traitors with all rigour and severity and that without mercy. And the said Lords appoint their Majesties' solicitor to cause intimate to the several towns on the coast of Fife and on the side of the river of Forth that they keep no correspondence with the foresaid persons in whose hands the Bass now is, nor furnish them with meat, drink or any other things whatsoever useful or comfortable to them, and that they secure and keep up their boats to the effect foresaid upon their highest peril.

Ibidem (résumé).

Edinburgh. 25th June, 1691.

The Laird of Gairletoun,¹ who was prisoner in the guards at the Abbey of Holyrood House for his accession to the betraying of the Bass, being brought to the bar and refusing to give distinct answers to the questions put by the president of the Council, was consigned a close prisoner to the Canongate tolbooth; and Sir Thomas Livingstone, commander-in-chief of the forces

¹ John Seatoun.

in Scotland, was impowered to seize any persons he has reason to believe guilty of that act and any intercommuners with such persons.

Ibidem.

Edinburgh, 30th June, 1691.

*Recommendation to the Treasury for Money to
Harry Fletcher for a Boat against the Bass.*

The Lords of their Majesties' Privy Council do hereby recommend to the Lords of their Majesties' Treasury to cause payment be made to Harry Fletcher, governor of the Bass, of the sum of ten pounds sterling money for providing a boat and five seamen to serve therein for the space of one month, commencing from the date hereof, to cruise about the same for preventing any persons to enter into or come forth of the said island of the Bass, the said Harry Fletcher being always accountable to the said Lords of their Majesties' Treasury how the said sum shall be debursed by him.

Ibidem (résumé).

Edinburgh. 1st July, 1691.

Proclamation declaring James Hallyburtoune, Michael Midletoune, Patrick Roy, and David Dunbar, sometime prisoners in the fort of the Bass, who having surprised the garrison have fortified and maintain the place against the royal authority, to be open and manifest traitors, and discharging all persons from having any dealings with them without warrant of the Council under pain of sharing their fate, to be published at Edinburgh and the head burghs of Haddingtonshire, Berwickshire, Fife and Clackmannan.

Ibidem (résumé).

Edinburgh. 9th July, 1691.

The Lords of Council being informed that John Seatoun of Gairletoun, whom they have in prison, seems to have had a great, if not the greatest hand in the surprising of the Bass and holding out of the same, direct the law officers to institute process against him therefor. And because Sir Patrick Home, whom the Council has joined with Mr. Hugh Dalrymple to concur with the solicitor in such processes, is uncle to the said prisoner, and Mr. Hugh Dalrymple is sickly, they appoint the solicitor, the said Mr. Hugh Dalrymple, and Sir James Ogilvie, advocate, to proceed by taking precognitions anent the prisoner and other persons guilty with him.

Ibidem (résumé).

Edinburgh. 30th July, 1691.

The Lords discharge the herring boats and other boats fishing upon the water of Forth from approaching nearer the Bass than one and a half miles without the special allowance of Mr. Henry Fletcher, governor of the Bass.

Ibidem (résumé).

Edinburgh. 29th August, 1691.

Warrant to Sir Thomas Livingstone, commander-in-chief of the forces in Scotland, to send some soldiers with a parley to the Bass with a printed copy of their Majesties' proclamation offering indemnity to such persons therein as were in arms before 1st June last, and to demand the surrender of the island on pain of the utmost severity as traitors in respect they have forfeited the benefit of this indemnity.

Ibidem (résumé).

Edinburgh. 10th November, 1691.

Order is given for the liberation from the tol-booth of Edinburgh of James Suan, late gunner in the Bass, Alison Peebles, his spouse, Janet Haslep, spouse to Sergeant La Foss, Janet Hircus, his servitrix, and Robert Alisone, late porter in the Bass, they having found caution each in £100 to live peaceably and loyally, the additional penalty being added in the case of Janet Hircus of being whipped through the city of Edinburgh by the common hangman.

Ibidem.

Edinburgh. 15th December, 1691.

Recommendation to the Duke of Hamilton to write to the Secretary anent a Vessel before the Bass.

His Grace the Duke of Hamilton having presented to the Council the depositions of several seamen and fishermen anent a vessel which was lately before the Bass and livered¹ several goods there, read and recommended to his Grace to write to the Secretaries acquainting them with this matter, and to send the copies of the depositions to them that they may acquaint his Majesty and receive his commands to the Council.

Ibidem (résumé).

Edinburgh. 18th February, 1692.

The Lords recommend to the Earl of Craford and Sir Thomas Livingstone, commander-in-chief of the forces in Scotland, to take trial as to what persons are under bail to the Council for being in arms or disobedient, and who of these

¹ Delivered.

should be presently called before the Council ; also what persons of this class have been in prison and liberated on bail, and who of them should be returned to prison so that measures may be taken for inducing those who hold out the Bass to surrender or capitulate upon account of such persons.

Ibidem.

Edinburgh. 15th March, 1692.

*Committee anent Men and Provisions lately
got into the Bass.*

The Lord High Chancellor acquainted the Lords of their Majesties' Privy Council that his Lordship, having received information of some men and provisions got in to the Bass, and that a little boat went from Fisherrow and did meet with a larger which came to the coast of Fife, and received the men and provisions out of the large boat and carried them to and livered them at the Bass, and that his Lordship had given orders to the baillie of the regality and baillies of the town of Musselburgh to bring to this place the masters and servants about Stainiehill, and the customer and waiter who were upon duty Sunday or Monday eight days, at which time the provisions were carried in, as said is, with such others as they should find ground to suspect had a hand in this matter, and that accordingly several persons are brought to this place ; the said Lords of their Majesties' Privy Council do hereby recommend to the Lord Polwarth and Sir John Lauder of Fountainhall, one of the Senators of the College of Justice, to call for and examine such persons as are brought to this place upon the account foresaid, etc.

Ibidem (résumé).

Edinburgh. 15th March, 1692.

The Lords appoint the Earl of Lothian, Lord Polwarth and Sir John Lauder of Fountainhall to meet with Sir James Lesly, commander-in-chief of the forces for the time, and consider how vessels passing up and down the Firth may be secured against injury from the rebels in the Bass, and how these rebels are to be prevented obtaining provisions.

Ibidem (résumé).

Edinburgh. 22nd March, 1692.

The Lord Chancellor having informed the Council that last week the rebels in the Bass seized three fishing boats from Fisherrow while fishing, took all their fish from them and forced them to go the Isle of May, where they loaded them with coals and brought them to the Bass, another boat strongly armed attending them all the while, and that he had caused several of the persons who were in the fishing boats to be brought to Edinburgh to give fuller information, the Lords recommend to Lord Polwarth and Sir John Lauder of Fountainhall (as the committee formerly appointed to take trial anent a boat carried from Fisherrow to the Bass) to examine these persons as to the said incident, and add Sir John Lauder of Haltoun to the said committee, which they recommend to meet at 3 o'clock this afternoon.

By another Act of Council the Lords add Sir John Lauder of Haltoun and Sir — Anstruther of that ilk to the committee appointed by them on the 15th about the Bass. Sir James Lesly, being called in, is notified to attend the

committee at 4 o'clock this afternoon, and the Chancellor declares his intention to be present. The Lords desire the committee to inquire at Sir James . . . as to the soldiers now lying at Castletown in garrison, part of whom formerly served in the Bass, and who is to command them seeing Henry Fletcher has resigned his commission as governor of the Bass and has been relieved thereof.

Sir Patrick Murray, general receiver of the crown rents, produced to the Council their Majesties' commission granted to Henry Fletcher on 10th July, 1689, appointing him captain and governor of the Isle of the Bass, and stated that Fletcher desired to be relieved of the charge and of the command of the garrison of soldiers lying at Castletown, which the Lords accepted and relieved him as desired.

Ibidem.

Edinburgh. 23rd March, 1692.

*Committee for Securing Trade in the Firth
against the Rebels in the Bass.*

The Lords of their Majesties' Privy Council do hereby recommend to the committee formerly appointed . . . to consider what measures are to be followed for protecting of trade in the Firth and securing the vessels trading therein from the said rebels, and to use all legal means for restraining and suppressing the attempt of the said rebels; with power to the said committee to issue forth orders to Sir James Lesly, commander-in-chief (for the time) of their Majesties' forces within this kingdom in this matter, and to take all such legal

courses therein as they shall find necessary, without necessity of acquainting the Council from time to time with their procedure until the business be brought to perfection and ready for execution; and recommend to the Lords Commissioners of their Majesties' Treasury to give orders to Sir Patrick Murray of Saltcoats to advance a full month's pay to the boatmen and seamen and so much as will make up a month's full pay to every soldier upon the Scots establishment, who shall be employed in doing service against the Bass and securing the passage in the Firth.

Admiralty Records—Captains' Logs.

'London Merchant' Log.

Wednesday, 13th April, 1692.—At 4 this morning weighed with the Sheerness bound for the Isle of Bass. All run down the Firth at 11; anchored 17 fa., dist. 4 miles. Capt. Roope sent his boat to know if they would surrender it to King William and Queen Mary.

Thursday, 14th April.—At 3 yesterday in the afternoon the Sheerness boat returned from the Bass with the governor's answer . . . that he would not surrender it, neither cared for all the shipping or ¹ or what other damage we could do them. At 4 this morning weighed with the Sheerness, an easterly gale. At 6 we anchored to the southward of the island abreast of the fortifications about a cable's length astern of the Sheerness $\frac{3}{4}$ of a mile distant, with our stream anchor astern and kedge anchor on our starboard bow to keep our broadside to the batteries, which done, we both began to play our cannon on their

¹ Word illegible here.

fortification and crane, and continued battering of them and they at us.

Friday, 15th April.—Fair weather,¹ sometime calm. We continued battering and they at us till 3 yesterday in the afternoon; then the Sheerness making the signal for cutting away, we hauled up our stream anchor and roused in as much of our kedge anchor as we could, then cut him and made sail after the Sheerness for Leith road. In this action four of our men were wounded. We received one shot in the steerage, and one through the rail on the quarter-deck, and one that splintered the after part of our main topmast, and likewise the comings of our hatches shattered apieces, and the larboard side of our ——¹ in the waist shattered apieces, about 70 foot. At 4 we anchored, the tide being down. At 4 this morning weighed and ran into Leith road and anchored in 7 fa. dist. 4 miles. Here rode the Sweepstakes, the Eagle ketch and the London's ketch, and 2 Dutch men-of-war.

The London Gazette, No. 2760.

Edinburgh. 15th April, 1692.

On Thursday last, the Sheerness frigate, commanded by Captain Anthony Roope, with another frigate of 30 guns² anchored within less than musket shot of the Bass, and fired upon it both great and small shot from 8 in the morning till 2 in the afternoon, which beat those within from their low works, made a breach in the upper wall, and broke down their crane, by which they drew up everything that was brought into the place. What other damage they suffered we do not know. Their men appeared but little, lying on the top of

¹ Word illegible here.

² The London Merchant—Captain Orton.

the hill in hollow places, and to save their boats they had buried them in the ground near the low fort, so that they could not be seen. They fired some shot upon the frigates, the biggest guns they have being two nine-pounders, and wounded four or five of our men. There are about 20 men in the Bass, commanded by one Graham, and the sergeant that betrayed it.

Minutes of the Privy Council of Scotland.

Edinburgh. 19th April, 1692.

*Recommendation to the Treasury anent the
Men-of-war that attacked the Bass.*

The Lords of their Majesties' Privy Council being acquainted by the Lord High Chancellor that the captain of the two men-of-war now lying in the road of Leith by warrant of the Queen's Majesty and the Commissioners of Admiralty in England and orders from his Lordship have made an attempt upon the island of the Bass, and have beat down or disabled the crane and shattered the few houses in that island, in which service they have consumed great quantity of powder and spent a great number of cannon ball, and these ships of war being to sail as convoys with some transport ships carrying forces from this kingdom to Flanders, necessary it is that they be supplied of powder and ball from the magazine in their Majesties' Castle of Edinburgh before they enter upon their voyage; the said Lords of Privy Council do hereby recommend to the Lords Commissioners of their Majesties' Treasury to consider and make trial what quantity of powder and number of ball the said ships stand in need of and to report to the Council at their first diet

of meeting on Thursday next, that their Lordships may give order for furnishing the same from the Castle of Edinburgh.

Ibidem.

Edinburgh. 21st April, 1692.

*Recommendation to the Treasury anent Two
Men-of-war that attacked the Bass.*

The Lords of their Majesties' Privy Council do hereby recommend to the Lords Commissioners of their Majesties' Treasury to cause furnish the two men-of-war belonging to their Majesties, presently lying in the road of Leith and who lately made an attempt upon the Bass, with such quantities of powder and ball from their Majesties' magazine in the Castle of Edinburgh as their Lordships shall find convenient; and likewise to cause provide and furnish with men, arms, ammunition and other necessities two long boats with a dogar¹ ship for keeping in of the rebels in the Bass and securing against any attempts which might be made by them.

Ibidem (résumé).

Edinburgh. 21st July, 1692.

The Council called for Major Monro, whom Sir Thomas Livingstone had sent to inquire about a ship lying at the Bass or in the road, and he reported that by what he could know there was a French ship come to the Bass on Tuesday at 7 P.M. and went away on Wednesday at 8 A.M. after delivering some things in three great boats to the Bass; also there was a 'doggar' lying before the Bass since last night at 7 o'clock.

¹ Or Doggar—a Dutch fishing vessel with two masts, main and mizzen, somewhat resembling a ketch.

Ibidem (résumé).

Edinburgh. 26th July, 1692.

The Lords recommend to the Treasury that payment be made to the eight seamen who sailed the Dutch 'doggar,' which was seized by a French privateer and carried to the Bass, and which is still detained there, of some competent allowance for their maintenance during their necessary abode here and for defraying the cost of their transport to Holland when occasion offers.

Ibidem (résumé).

Edinburgh. 28th July, 1692.

The Lords recommend to Sir Archibald Murray of Blackbarony, Sir Thomas Livingstone, commander-in-chief, and Sir William Lockhart, H.M. solicitor, to examine William Smith, master of a ketch, his wife and ship's boy, William Glaidstanes seaman, James Drumond passenger, Kenneth Urquhart, James Montgomery and David Cockburn, who have been seized upon suspicion of corresponding with the rebels in the Bass or with the French caper which landed some succours there, and to report to the Council.

Ibidem (résumé).

Edinburgh. 2nd August, 1692.

The Lords, for the security of vessels in the Firth against the rebels in the Bass and protection of the lights in the May, recommend Sir Thomas Livingstone to send twelve foot soldiers to be a garrison in the house on the said island, and furnish the same with provisions for quarter of a year. They also ordain — Cunningham of Barnes, the proprietor of the island, to remove his sheep which he has there, and not to place

any sheep or other animals on the island until their further order.

Ibidem (résumé).

Edinburgh. 9th August, 1692.

The Lords ordain the magistrates of Edinburgh, the bailie of the Canongate and keeper of their tolbooth, to liberate William Gladstones, seaman, James Drumond, Kenneth Urquhart, James Montgomery, David Cockburn and William Poll, ship's boy to William Smith, prisoner therein, all seized at Dunbar on suspicion of conversing or corresponding with a French caper lately within the Firth, as nothing can be made out against them.

They also ordain the release of Elizabeth Thomas, wife of the said William Smith.

Ibidem (résumé).

Edinburgh. 11th October, 1692.

The Lords appoint Lord Raith, Treasurer Depute, Lords Cardross, Beilhaven, Fountainhall, and Enstruther, and Sir Thomas Livingstone, to consider what course is to be taken for blocking up the rebels that are in the Bass and prevent them doing injury by sea or land.

Ibidem.

Edinburgh. 25th October, 1692.

*Recommendation for discharging Two Long
Boats at the Bass.*

The Lords of their Majesties' Privy Council considering that the keeping up of the two long boats fitted out by the Treasury upon recommendation from their Lordships of the Council against the

rebels in the Bass will be a useless expense and charge upon the government now in the winter season, do therefore hereby recommend to the Lord High Chancellor to discharge the said boats after the first day of November next.

Ibidem.

Edinburgh. 20th December, 1692.

*Recommendation to the Treasury anent a Ship
against the Bass.*

The Lords of their Majesties' Privy Council do hereby recommend to the Lords Commissioners of their Majesties' Treasury to cause prepare a 'doggar' or other convenient vessel and cause furnish the same sufficiently with men, guns and other necessary arms and provisions for securing of all ships, barques or boats passing up and down the Firth from the rebels in the Bass, or otherwise to secure the trade of the place against the said rebels in such manner as they find most convenient.

Ibidem (résumé).

Edinburgh. 3rd January, 1693.

The Chancellor acquainted the Council that a vessel had been seized at Eyemouth which was destined for the Bass, and that in that vessel was a Scotsman, who made his escape the same night, and three Englishmen who escaped the following day; also that . . . Kellie, bailie of Eyemouth, had been brought as a prisoner to the Canongate. The Council appoint Kellie to be imprisoned in the tolbooth of Edinburgh, and recommend to the Lord Justice Clerk and Sir John Maxwell of Pollock to examine him and other two persons, Michael Cockburn and Ninian Brown in Cold-

stream, who are suspected to have had a hand in bringing the vessel to the Bass.

Ibidem.

Edinburgh. 7th February, 1693.

Recommendation to the Lord Chancellor to return the Council's thanks to the Magistrates of Dunbar for seizing Boats going to the Bass.

The Lord High Chancellor acquainted the Council that some persons are seized and by the magistrates of Dunbar sent in to this place for having furnished a boat full of coals to the rebels in the Bass, and that his Lordship has desired the Lord Advocate and Justice Clerk to examine the persons seized, and that this is the second time the magistrates of Dunbar have testified their care and affection to the government by seizing persons who had been with the rebels in the Bass : The Council recommend to the Lord High Chancellor to return the thanks of the Board to the magistrates of Dunbar for their good service.

Ibidem.

Edinburgh. 28th February, 1693.

Recommendation to send Men-of-war against Privateers.

The Council recommended to Sir Thomas Livingstone, commander-in-chief of their Majesties' forces within this kingdom for the time, to cause advertise the several men-of-war¹ lying in this Firth that the Council are informed there are two French privateers lying at the mouth of the Firth and a ship with provisions to be conveyed into the Bass ; and recommend to the said Sir Thomas to send the vessel fitted out

¹ English.

for securing against the rebels in the Bass now lying at Leith to carry this advertisement to the men-of-war; and Sir Thomas before the rising of the Council reported that the vessel appointed to give advertisement to the men-of-war not being able to get out of the harbour of Leith he has sent another boat.

Ibidem.

Edinburgh. 20th March, 1693.

*Committee anent a Ship for Security of
Trade in the Firth.*

The Council recommends to the Viscount Tarbat, Lord Advocate, and Sir Thomas Livingstone, to speak such merchants as they shall think fit, and know from them if for the security of trade on this Firth they will rig out a fit ship, and the government will furnish her with men, guns and other arms.

Ibidem.

Edinburgh. 13th April, 1693.

Order anent the Rebels of the Bass.

The Lords of their Majesties' Privy Council, being informed that there are several persons gone into the Bass since the rebels therein were charged to deliver up the same for their Majesties' service and themselves to their Majesties' mercy, therefore the said Lords do hereby give order and warrant to a herald with his coat displayed and a trumpeter to go to the Bass, or as near as he can safely, and in their Majesties' names and authority command and authorise the persons presently within the said island to deliver up the island and themselves in manner foresaid within the space of six days next after they are charged

under the pains of high treason; and appoint Sir James Ogilvie, their Majesties' solicitor, to dispatch the herald and trumpeter with famous¹ persons to be witnesses, and cause furnish a boat to them; and in case they obey not, then to denounce them; and thereafter that letters of intercommuning² be directed against them as effeirs: And in the meantime the said Lords do hereby promise a reward of fifty pounds sterling to any person or persons who shall seize upon and deliver to any of their Majesties' judges, magistrates or officers of their Majesties' forces the persons of Lieutenant-Colonel Graham or Michael Midletoune, governor of the Bass, two of the rebels in the said island, and the sum of twenty pounds sterling to any person or persons who shall seize upon and deliver in manner foresaid any of the persons afternamed, rebels in the said island, viz.: James, John and William Midletoune, the governor's brothers, Duncan McQueen, Thomas Hepburne, John Turm [? Turine], Mr.³ Henrisen, John McLean, Moune [? Morrein], the surgeon, an Englishman, Nicolsone, John Glaidstanes, Gavin Johnstoune, Lieutenant John Hacket, seaman, two Irish seamen and another Irish seaman, two hoy boys that belonged to the Earl of Leven, Colonel Graham's servant, three or four more servants and John Mandersone, Charles Maitland's servant, detained against his will; and appoint these presents be printed and published at the Market Cross of Edinburgh and other places needful.

¹ Of good report.

² Letters from the Scots Privy Council in the King's name charging the lieges not to reset, supply or intercommune with the persons denounced, under pain of being art and part in their crimes.

³ The Christian names are left blank in the MS.

*Recommendation to the Treasury to furnish
a Boat against the Bass.*

The Lords of their Majesties' Privy Council do hereby recommend to the Lords Commissioners of their Majesties' Treasury, to cause prepare and furnish out such a large boat or two, as was employed last year, with men, ammunition and other necessary provisions for attending the frigate already employed to secure trading vessels passing up and down the Firth and keeping the rebels who are in the Bass that they may not correspond with other persons nor come forth of that island, and to continue the said boat or boats in that service until the month of October exclusive and longer as they shall see cause, the expense of preparing and furnishing the said boat or boats not exceeding the sum of ten pounds sterling per month.

Ibidem (résumé).

Edinburgh. 13th May, 1693.

Letters of intercommuning are issued against the rebels mentioned in the minute of 13th April, 1693, ordaining that no person reset¹ or have intercourse with them in any way for their comfort or assistance at their peril.

Ibidem (résumé).

Edinburgh. 26th May, 1693.

Sir William Baird² younger of Newbyth is personally thanked by the Council for securing two or three of the rebels who had come on shore from the Bass.

¹ In Scots law—to harbour an outlaw or criminal.

² Eldest son of Sir John Baird, Lord Newbyth, was made a baronet in his own right during his father's lifetime. He succeeded in 1698 and died in 1737.

Ibidem.

Edinburgh. 26th May, 1693.

Recommendation to Sir Thomas Livingstone to write anent Boats going and coming into the Bass.

Their Majesties' High Commissioner and Lords of Privy Council do hereby recommend to Sir Thomas Livingstone, commander-in-chief of their Majesties' forces within this kingdom, to write to the commanding officer of the guards at Castle-town that he enquire and take trial how it comes to pass that boats do come from and return to the island of the Bass without interruption notwithstanding of that guard and of the 'dogar' appointed for keeping in the rebels in that island, and to examine the captain or commander of the said 'dogar' and take trial of his deportment in keeping watch upon the said rebels; and recommend to the said Sir Thomas Livingstone to report his diligence herein to the Council.

Ibidem (résumé).

Edinburgh. 3rd June, 1693.

The Council recommend to the Lord Justice Clerk and Mr. Francis Montgomery of Giffin to examine _____, skipper of a vessel alleged going from Aberdour to the Bass, who is presently prisoner in Edinburgh tolbooth; and they approve of the Lord Advocate having seized and imprisoned him.

Ibidem (résumé).

Edinburgh. 20th June, 1693.

The Lords recommend to the Lords of Treasury to cause value the bark which belonged to William

Robertson in Cookeine,¹ now lying in the harbour of Inverkeithing, and its cargo and whole furniture, and which was seized by William Wemyss of Kettelhill as a justice of the peace, as she was designing for the Bass, and cause the same to be roused² for payment to the said William Wemyss and those who assisted him (whose services they hereby approve) of such sums as they may think these services merit.

Ibidem.

Edinburgh. 6th February, 1694.

*Remit to the Treasury for furnishing a Ship
against the Bass.*

The Lords of their Majesties' Privy Council do hereby recommend to the Lords Commissioners of their Majesties' Treasury to cause make sufficient provision for a speedy outrig of a ship of war, well manned and furnished with all instruments of war and other necessities, able to make defence against any ship which may happen to come with provisions of men or other supply to the rebels in the Bass. (*Sic subscribitur*),

TWEEDDALE, Cancel.

Ibidem.

Edinburgh. 15th February, 1694.

*Warrant for outrigging a third Boat against
the Bass.*

The Lords [of] their Majesties' Privy Council do hereby recommend to the Lords Commissioners of their Majesties' Treasury to cause furnish, prepare and outrig another boat, besides the two already appointed for security of vessels passing

¹ Cockenzie.

² Sold by auction.

up and down the Firth against the rebels in the Bass, until the ship of war which is formerly ordered by the Council be made ready and put to sea. (*Sic subscribitur*),

TWEEDDALE, Cancel.,
SOUTHERLAND,
LEVEN,
FORFAR,
KINTOR,
TARBAT,
ROSS,
WILL : Mr. of Forbes,
JA. STEUART,
JO. LAUDER,
F. MONTGOMERY.

Ibidem.

Edinburgh. 20th February, 1694.

*Act : Mr. John Duncan to treat with the
Rebels in the Bass.*

Anent the petition given in to the Lords of their Majesties' Privy Council by Mr. John Duncan, merchant in Edinburgh, shewing that whereas the petitioner had a barque coming from Dunbar laden with wheat which parted from that port Sunday last about five in the morning, and kept at least three or four miles to the north of the Bass, yet, there being little wind, the Bass men took their advantage and came out eighteen of them in their boat and made up to the barque, but though the barque took about and got back almost to Dunbar yet she was overtaken and seized within less nor a mile to that port, where-upon Baillie Kirkwood of Dunbar with all possible diligence rode to Castletown with all speed to

acquaint the garrison and by the way saw two of Castletown's boats with their captain and lieutenant and twenty-two soldiers making towards them for the barque's relief, whereupon the Bass men towing the barque along quitted their own boat and went into the barque with all their arms, and the soldiers apprehending they might have two 'pateraroes'¹ on board, thought not fit to attack them with so visible a hazard, whereby the petitioner's barque was lost, and also a most happy opportunity to have reduced the Bass, seeing their whole company save four men were on board and it was almost dark night before they got the length of the Bass; and therefore humbly craving their Lordships, in respect of the petitioner's loss, and if his bark be yet unstaved or whether staved or not, to allow him to go and parley with the Bass men for recovery of the said wheat and barque, to make the best bargain with them he can, as others in the like case have been allowed to do, as the said petition bears. The said Lords of their Majesties' Privy Council, having considered this petition given in to them by the above Mr. John Duncan, they hereby allow the petitioner to go and treat with the rebels in the Bass and to make the best bargain with them he can, the treating being always in presence of any officers of their Majesties' standing forces to be sent by Sir Thomas Livingstone, commander-in-chief of their Majesties' forces within this kingdom, to go along with the petitioner, providing always the petitioner shall treat only for money to be given for his said barque and loading, and shall make no bargain by bartering or change of commodities; and declare that the above treaty shall infer no hazard against the persons allowed

¹ Or 'pedereroes'—Spanish-made cannon used on men-of-war, and so called from the use of stones as the charge.

to treat, albeit the rebels in the Bass be inter-communed and declared rebels.

The London Gazette, No. 2953.

Edinburgh. 22nd February, 1694.

On Sunday last the rebels in the Bass perceiving a barque sailing by from Dunbar laden with corn for Leith, they manned out their boat with 18 of their number and seized the said barque, which the garrison at Castletown having notice, they sent off about 20 soldiers in boats, upon which those of the Bass quitted their own boat, and betook themselves to the laden barque, but a violent storm arising, they could not get back to the Bass and were forced out to sea and have not since been heard of, so that there now remain but 7 or 8 men in the Bass. This day John Trotter¹ and — Marklif were found guilty by the Justice Court of furnishing provisions to and keeping correspondence with the rebels in the Bass, and were condemned as traitors.

Ibidem, No. 2954.

Edinburgh. 24th February, 1694.

By letters of yesterday from Dundee we are told that the vessel laden with corn which was lately seized by the rebels, who went off in their boat from the Bass, was by stress of weather forced into Dundee, and that the men who were in her got ashore in the night, of whom 3 were apprehended, and the rest were skulking in the country, though 'twas not doubted but they would be likewise taken.

¹ Laird of Mortonhall, Midlothian. His brother Alexander was included amongst the Scots rebels in France who were proceeded against in July, 1695, for treason.—*The Acts of the Parliaments of Scotland*, vol. ix, App. p. 115.

Minutes of the Privy Council of Scotland (résumé).

Edinburgh. 27th February, 1694.

The Lords grant warrant to the Sheriff of Forfar to transport under a sufficient guard from Dundee Andrew Caddell, one of the rebels lately in the Bass and now prisoner in Dundee, to the sheriff of Fife, and he to the next sheriff and so from sheriff to sheriff until he be delivered to the magistrates of Edinburgh, to whom they give order to detain him in their tolbooth; and they also ordain the magistrates of Dundee to liberate Donald Ross, mariner at Leith, and James Reid, sailmaker there, two seamen who were lately seized by the rebels in the Bass and are now prisoners in the tolbooth of Dundee, on finding caution to live as loyal and peaceable subjects.

Ibidem.

Edinburgh. 28th February, 1694.

Act Discharging Boats, Barques, or Vessels from going to the Bass or furnishing supplies thereto printed.

The Lords of their Majesties' Privy Council, being informed that several of the rebels who hold out the isle and rock of the Bass are at present come or driven ashore, and that by the late storms the boats belonging to the said rebels are lost, which may prove an effectual means of their reduction, do hereby strictly command and charge all persons, skippers, owners or possessors of boats, barques or other vessels great or small, residing and possessing the said boats, barques or vessels on either side of the Firth, from Stirling to St. Andrews on the one side, and from Stirling to Berwick on the other side of the said rock, that they carefully keep and secure the same both

night and day from being either seized upon, stolen or otherwise taken away by the said rebels or any of them or any other person for their use and service, under all highest pains, and that neither they nor any person whatsoever presume to hire, lend or otherwise furnish any boat, barque or other vessel to the said rebels or any of them or any other for their use and service under the pains due to corresponders with and suppliers of rebels and traitors : And further the said Lords do hereby renew and assure the promise of twenty pounds sterling, formerly made to any person who shall seize any of the said rebels wherever they may be found and shall deliver the person so seized to any of their Majesties' officers, either civil or military. And they ordain that these presents be printed and published at the Market Cross of Edinburgh and also at all the towns on the coast of either side of the Firth within the bounds foresaid that none pretend ignorance.

Commission : Captain Edward Burd.

The Lords of their Majesties' Privy Council considering that the isle and rock of the Bass and rebels therein, who have long held out in rebellion, may now be in some straits for want of provisions, and, as is informed, are in daily expectation to be succoured and relieved by some of the enemy's ships or vessels that may arrive thereat, as also that the rebels in the said island have of late had the boldness to seize a barque within the Firth ; for which reasons the said Lords have thought good to outrig and fit out a frigate sufficiently provided with men, arms and ammunition, and in the absence of the Duke of Hamilton, Lord High Admiral, and in the present exigency to give commission to the person afternamed to

command the said frigate for to watch the said Bass, and to hinder all manner of provisions and supplies to be brought or entered into it, and likewise to secure the ships and vessels belonging to his Majesty's lieges that may be in hazard from their attacks and surprises; and the said Lords having special trust and confidence in the loyalty, courage and conduct of Captain Edward [Burd], master of the good ship called the Lyon, have therefore nominated and appointed and hereby nominate and appoint the said Captain Edward Burd to be captain of the said good ship or frigate called the Lyon, of the burden of two hundred tons or thereby and twenty pieces of ordnance, with all ammunition proportionable as a man-of-war commissioned in their Majesties' service, to the special effect underwritten allenarly,¹ . . . to watch the foresaid island and fort of the Bass and for that end to cruise between St. Abb's Head and Fifeness, day and night with all care and diligence, and to seize all ships and vessels whatsoever great or small, bound or justly suspected to be bound for the said isle and fort of the Bass or to any other port within the Firth for the supplying and relieving thereof with any sort of provisions of men, victual, arms or ammunition or others whatsoever, and, if need be, upon resistance to fight, destroy or otherwise overmaster the said ships or vessels as he shall see cause; as likewise to seize all ships, boats or vessels whatsoever coming from the Bass, and, in case of resistance, to fight, destroy and otherwise overmaster them as above; and generally to watch and shut up the foresaid rock and island and rebels therein with all possible care and strictness and use all manner of hostility against

¹ A Scots legal term meaning only.

them for that effect, and to reduce them by all methods possible ; and ordain the said captain to secure and preserve harmless and skaithless all ships and vessels whatsoever with their goods and loading belonging to their Majesties' good subjects or allies from all attempts and violences either from the said rebels in the Bass or of any other their Majesties' enemies ; and also give full power and commission to the said captain to seize all ships and vessels belonging to enemies in property or having commission from them within the Firth or the bounds above designed for the said frigate's cruising and that, if need be, by fighting, destroying or otherwise overmastering the said enemies as he shall see cause, and to bring the ships or vessels so overmastered and apprehended to any port or harbour of this kingdom without breaking bulk or altering the property thereof to be proceeded against and judged according to law in the High Court of Admiralty of this kingdom or such other court or courts as by a particular and special warrant and commission shall be sufficiently authorised to do the same . . . Signed and sealed by the signet of Council at Edinburgh the twenty-eighth day of February, 1694 years. (*Sic subscribitur*),

TWEEDDALE, Cancel.,
SOUTHERLAND,
CASSILLIS,
LINLITHGOW,
FORFAR,
RAITH,
ROSS,
JA. STEUART,
FRA. MONTGOMERY,
THO. LIVINGSTONE.

[Signet affixed.]

The London Gazette, No. 2955.

Edinburgh. 1st March, 1694.

. . . The three persons who were taken some time ago, as they came from the Bass, being brought to their trial upon an indictment of high treason, and found guilty of the same, had sentence accordingly pronounced against them yesterday by the Lords of the Justiciary, which was afterwards published by the heralds with sound of trumpet at the Mercat¹ Cross, and their execution is appointed to be on the 6th of the next month.

Minutes of the Privy Council of Scotland (résumé).

Edinburgh. 13th March, 1694.

On a petition by Alexander McLeish, who was convicted by the Lords of Justiciary for treason and condemned to be executed on 28th March instant, for having hired a boat at Dunbar to carry two men to the Bass and sending in a letter and receiving an answer from the Bass, the Lords reprieve the petitioner till 6th April. He represents that being a poor, simple fisher he 'was miserably trepanned by Charles Maitland, who induced him to hyre the boat by telling him [he had] a warrant for it, and that he was only sending in these two men to get out his luggage which he left behind him,' and that of the contents of the letter he has no knowledge.

Ibidem.

Edinburgh. 14th March, 1694.

*Recommendation to Sir Thomas Livingstone
to visit the Island of the Bass.*

The Lords of their Majesties' Privy Council do hereby recommend to Sir Thomas Livingstone,

¹ Market.

commander-in-chief of their Majesties' forces within this kingdom, with all possible diligence to visit the rock or isle of the Bass, as exactly and narrowly as he can, and to take all information he can find anent the situation and fortification thereof both without and within, and anent the several landing-places thereof, and to make such attempts and attacks upon the said island and against the rebels therein as he shall think fit.

Recommendation to the Lord Chancellor to give Warrants to the Relations Sentenced upon Account of the Bass to go into the Isle of the Bass.

The Lords of their Majesties' Privy Council do hereby recommend to the Lord High Chancellor to give warrants to the wives, children or other relations of the persons presently under sentence of death for corresponding with the rebels in the Bass to go into the said rebels and intimate the dangerous case of the sentenced persons and deal with the said rebels what proposals they will or can make in writing under their hands anent the persons sentenced, as said is, and to report the proposals which shall be made to the Council that they may consider if they will grant any favour to the sentenced persons or any of them by reprieve or otherwise when they have heard the proposals.

Ibidem (résumé).

Edinburgh. 19th March, 1694.

The Lords ordain that John Trotter, prisoner in the tolbooth of Edinburgh under sentence of execution at the Cross of Edinburgh on 28 March instant, be taken to the town of Castletown by a strong guard of horse and hanged there upon a

gallows at a spot where he can be best seen by the rebels in the Bass by the sheriff of Haddington. Sir Thomas Livingstone is appointed to transport the prisoner and not to do so until the day of execution.

The Lords ordain the Lord Advocate to raise an action for treason against Andrew Caddell, presently a prisoner, for corresponding with the rebels in the Bass.

Edinburgh. 20th March, 1694.

Act for treating with the Rebels in the Bass.

The Lords of their Majesties' Privy Council, considering that James Midletoune, prisoner in the tolbooth of Edinburgh, sentenced to death by the Lords Commissioners of Justiciary for treasonable joining and corresponding with the rebels in the Bass, and having heard a letter from the said James to the Lord Chancellor humbly craving allowance to the effect he may deal with his brother, the pretended governor of the Bass, to surrender and deliver up that fort to the government, the said Lords recommend to Sir Thomas Livingstone, commander-in-chief of their Majesties' forces within this kingdom, to transport under a sufficient guard the said James Midletoune from the tolbooth of Edinburgh to Castletown, over against the Bass, whom the magistrates of Edinburgh are hereby ordered to deliver to that effect, and there that the said Sir Thomas cause a parley to be offered with the rebels in the Bass, and that if the same be accepted by them the said Sir Thomas, or the officer to whom he shall trust the execution of these presents, shall demand the

persons of Midletoune, brother to the said James, and any other sufficient man of the said rebels to be delivered at Castletown to the said officer as hostages for the said James Midletoune ; and upon receiving the said hostages the said Sir Thomas Livingstone or officer foresaid instructed by him are to permit and allow and if need be to give a pass to the said James Midletoune to sail over to the said isle of the Bass and enter within the garrison thereof, and make his abode and stay there for the space of twelve hours, wind and weather serving, and to deal and use his utmost endeavours with his brother and garrison in the Bass for surrendering and delivering up the same to the said Sir Thomas Livingstone or Lords of their Majesties' Privy Council within the space of four and twenty hours after his landing at the Bass, upon such terms as the said Sir Thomas or the officer foresaid instructed by him shall agree to, and with special power to the said James Midletoune to certify and give assurance to his said brother and garrison foresaid that upon surrender foresaid not only the said James Midletoune but likewise the whole other persons condemned to die upon account of the Bass, viz.

Halyburtone, Frazer, John Trotter,¹ Alexander McLeish, William Notham and William Nicolsone with the said James Midletoune, shall be freely and fully pardoned and set at liberty to stay or go out of this kingdom at their pleasure ; with certification that, in case the said James Midletoune shall not duly return from the Bass and deliver himself again at Castletown to the said Sir Thomas Livingstone or officer instructed by him, then the hostages delivered to and in keeping

¹ John Trotter was hanged at Castletown on 28th March, 1694.

of the said officer shall be presently executed to death by being hanged upon the gibbet at Castletown till they be dead, conform to the martial law in such cases. But in case either the said parley shall not be accepted, or that the said James Midletoune shall return and deliver himself prisoner at Castletown without effectuating the surrender of the Bass, then the said Sir Thomas Livingstone or officer instructed by him are to return and bring back the said James Midletoune under a sufficient guard and deliver him prisoner to the tolbooth of Edinburgh, where the magistrates and keeper of their tolbooth are to receive him and detain him in safe custody till the sentence of death pronounced against him be duly executed; for the due and punctual execution of all which these presents shall be to the said Sir Thomas Livingstone and officer foresaid instructed by him, and all others concerned, a sufficient command and warrant; as also appoint the clerks of Council to give out extracts hereof to the said James Midletoune or any concerned in the premises in order to the foresaid treaty for their full assurance thereanent. *Sic subscribitur* as in the *sederunt*.

Ibidem.

Edinburgh. 30th March, 1694.

*Recommendation to the Treasury to furnish
another Ship against the Bass.*

The Lords of their Majesties' Privy Council do hereby recommend to the Lords Commissioners of their Majesties' Treasury to cause make sufficient provision for the speedy outfit of another ship of war, beside that already fitted out and com-

manded by Captain Edward Burd, well manned, furnished with all instruments of war and other necessaries, able to make defence against any ship which may happen to come with provisions of men or other supply to the rebels in the Bass.

Commission : Captain Bosswell against the Bass.

The Lords of their Majesties' Privy Council, [on the same narrative as in Captain Burd's commission]¹ considering that the said Lords have already given commission to Captain Edward Burd, captain of the good ship or frigate called the Lyon, to sail with his said ship and watch the said isle and seize all ships bound thereto, as the said commission, which is of the like tenor with this present commission, at more length bears ; and the said Lords, finding it necessary in respect of attempts made by French privateers for relieving the rebels in the said island that another ship of force be outrigged for blocking up the said Bass and preventing any relief or supply to be sent in or furnished to the said rebels from the kingdom of France or other enemies to their Majesties and their government, they have thought good to outrig and fit out another frigate sufficiently provided with men, arms and ammunition, and in the absence of the Duke of Hamilton, Lord High Admiral, and in the present exigency to give commission to the person afternamed to command the said frigate for to watch the said Bass and to hinder all manner of provisions and supplies to be brought or entered into it, and likewise to secure the ships and vessels belonging to his Majesty's lieges that may be in hazard from their

¹ See page 169.

attacks and surprises : And the said Lords having special trust and confidence in the loyalty, courage and conduct of John Bosswell, skipper in Kirkcaldie, master of the good ship called the Providence, have therefore nominated and appointed and hereby nominate and appoint the said John Bosswell to be captain of the good ship or frigate called the Providence, of the burden of 200 tons or thereby and 20 pieces of ordnance, with all ammunition proportionable as a man-of-war commissioned in their Majesties' service to the special effect underwritten allenarly . . . to watch the foresaid isle and fort of the Bass and for that end to cruise between St. Abb's Head and Fifeness, &c. [all as narrated in Captain Burd's commission].¹

*Recommendation to the Treasury for a
Fire-ship against the Bass.*

The Lords of their Majesties' Privy Council do hereby recommend to the Lords Commissioners of their Majesties' Treasury with all diligence to cause outrig and put out a fire-ship for assisting the ships of war already ordered against the Bass and for attacking, burning and destroying any such ships or vessels, one or more, as shall attempt to get in to the said isle of the Bass or to furnish or supply the rebels therein any manner of way, and to agree with such persons for commanding or serving in the said fire-ship as they shall think fit for that service, and that upon such terms and for such hire or wages as they shall think reasonable, and to cause pay them accordingly.

¹ See pages 170-1.

Ibidem.

Edinburgh. 5th April, 1694.

*Letter from the Council to the King anent
Ships put out against the Bass.*

May it please your Majesty,—We had good information weeks ago that the garrison of the Bass was in great straits, and they having at that time made some attempts with their long boat upon some small vessels passing and re-passing in the Firth, we thought fit to give an order and commission for providing and outrigging a frigate¹ of twenty-four guns to cruise upon them and hinder both their supplies and excursions. And immediately after the frigate was set out there came a privateer² to have supplied the Bass but was repulsed and forced back to sea, having only had the time to land a few men upon the rock, which must prove rather a further straitening than relief to the place; but having good reason to apprehend that the beating back of this privateer may occasion the sending of a greater force we thought it necessary to order out another frigate³ of twenty guns with a fire-ship, that we may neither expose our first ship to so visible a hazard nor lose so probable an advantage. These things we have done in the easiest manner we could, and have recommended the defraying of the charge to the Lords of your Majesty's Treasury, whose concurrence we also had in this matter. And now in all humble duty we do lay these our proceedings before your

¹ The Lyon.

² *Memoirs of the Rev. J. Blackader, &c.*, p. 386.

³ The Providence.

Majesty to have your approbation, &c. (*Sic subscribitur*),

TWEEDDALE, Cancel.,
MELVILL,
SOUTHERLAND,
CASSILLIS,
LEVEN,
ANNANDALE,
FORFAR,
BEILHAVEN,
JA. STEUART.

Ibidem.

Edinburgh. 16th April, 1694.

Commission: Captain Adams against the Bass.

The Lords [narrating that they have already commissioned two ships], . . . and seeing it may be useful and necessary, both for defence of the ships outrigged and for preventing any relief which may come to the said rebels from any of their Majesties' enemies, that a fire-ship be rigged out and put to sea, they have thought good to outrig such a ship . . . : having special confidence and trust in the loyalty, courage and good conduct of — Adams, lieutenant to the Artillery Company, have therefore nominated and appointed and hereby nominate and appoint the said Lieutenant Adams to be captain of the ship called the , with all ammunition and materials proportionable, as a fire-ship, commissioned in their Majesties' service, to the special effect underwritten allennarly, [as in the two previous commissions to Captains Burd and Bosswell].

From MS. Document¹ in Register House, Edinburgh.

A list of the men aboard of the Lyon, Captain Edward Burd, commander, both officers and seamen, taken up the Sixteen day of April, 7^m vj^e and ninety-four years, by Robert Faa, present baillie of Dumbar, conform to ane act of the Lords of ther Majesties' Thesaurarie dated the fifth day of April instant.

1. Lieutenant, Ninian Hendersone.
2. Lieutenant, James Carron.
3. Master, James Cuthbertsone.
4. Mate, James Pinkerton.
5. Doctor, George Maccallo.
6. Bosson, George Pedden.
7. Gunner, James Aitchisone.
8. Carpenter, James Douglass.
9. Cooock, Robert Hay.
10. Midshipman and Cooockson, John Auchterlony.
11. Midshipman, James Littlejohn.
12. Qwarteer, William Main.
13. Qwarteer, David Drysdaill.
14. Qwarteer, William Blaikie.
15. Qwarteer, Allexander Hendersone.
16. Bosson's mate, John Boustoun.
17. Gunner's mate, James Coutrie.
18. Carpenter's mate, William Douglass.
19. Cook's mate, James Davidsonsone.
20. Couper and Stewart, John Aitkin.
21. Couper's mate, Andrew Broun.

Foirmastmen.

- | | |
|--------------------|------------------|
| 22. William Byter. | 24. John Miller. |
| 23. Robert Irvin. | 25. James Bell. |

¹ The spelling of the MS. is adhered to.

- | | |
|------------------------|------------------------|
| 26. James Black. | 36. James Symonton. |
| 27. George Beell. | 37. Thomas Andersone, |
| 28. William Strang. | younger. |
| 29. John Ross. | 38. John Robertstone. |
| 30. Charles Gowans. | 39. James Robertstone. |
| 31. William Grahame. | 40. George Mill. |
| 32. Thomas Andersone. | 41. John Low. |
| 33. William Mathisone. | 42. Mark Pedden. |
| 34. John Fairbairne. | 43. Thomas Whyt. |
| 35. George Liddell. | 44. William Thomsone. |

Boyes.

John Cuthbertsone.	Robert Mitchell.
John Legget.	James Maccallo.

On board of Captain Burd's ship the 16 of April, 1694, mustered then be me Bailly Robert Faae fourtie-four men efective with foure boyes, witnes my hand dait forsaied.

(Signed) ROBERT FAA,
E. BURD.

A list of the souldiers aboard the Lyon, commanded by Captain Edward Burd, the 16 Aprill, 1694.

Levtennent.

George Winrame.

Corporals.

John Gourli.
James Hutchison.

Sergeants.

Allexander M^cWatti.
Casper Frans.

Drumer.

William Hartt.

Colonel's Company.

John Stuwartt.
Abram Woodman.

*Leutenant-Colonel's
Company.*

Robert Willson.
John Ward.
John Cummin.
David McCleur.

Major's Company.

Andrew Maine.
Wallter Stuwart.
John Jamison.

*Captain Reid's
Company.*

Robert Marnei.
John Bell.

*Captain Dalem's
Company.*

John Smith.
Patrick Thorinton.
James Pattierove.
Allexander Shillds.

*Captain Orok's
Company.*

James Watt.
John Bell.
Thomas Glen.
Allexander Shepherd.

*Captain Dumbar's
Company.*

William Coutts.
John Grube.
John Castells.

*Captain Hamillton's
Company.*

Huwgh Grantt.
John Ogillvie.
James Moor.
William Salmond.

*Captain Baillis'
Company.*

Adam Carre.
John Vepper.
Andrew Pitthie.

*Captain Weir's
Company.*

James Waston.
James Gray.
Hewgh Tennoch.

*Captain Stuwart's
Company.*

Samuell McMillen.
Hendry Gillcrist.
James Aittkin.

*Captain Johnston's
Company.*

Hendry McGee.
William Gormell.
James Scrogi.

Aboard of Captain Bird's ship the sixtein day of Aprile, j^m vj^c and nyntie-four years, mustered of officers and souldiers fourtie-four landmen be me Robert Faa, baillie of Dumbar, witness my hand day and place forsaied.

(Signed) ROBERT FAA,
GEORGE WINRAME.

Ane list of the Comanders and Seamen aboard of the Providence quherof Captain John Bosuall is Comander, taken up be Baillie Robert Faa in Dumbar conform to his commissione be the Commissioners and Lords of Thesaurarie, upon the sixtein day of April j^m vj^c and nyntie-four years.

Levtennent.

David Young.

Mate.

David Balfouer.

Gunner.

George Rellick.

Bossan.

David Gray.

Carpenter.

James Robertstone.

Doctor.

William Abercrombie.

Foirmastmen.

James Allexander.
Robert Forrestdaill.
James Kilgour.
Henry Andersone.
James Whyt.
James Gedd.
James Kaidzie.
Steven Philp.
Thomas Playfair.
David Wald.
John Carnagy.
Robert Crystie.
David Bennaty.
John Kaidzie.
James Law.
James Dick.
John Robertstone.
James Allexander.

James Bruce.	David Miller.
William Stocks.	James Bavard.
Henry Stevensone.	Henry Lindsay.
Andrew Gourlay.	James Johnston.
John Bavverage.	Andrew Kay.
Patrick Murray.	Samuell Halyday.
David Drysdail.	John Forbess
John Boswall.	Alexander Aitkin.
Charles Smith.	
Robert Richie.	
Francis Hendersone.	Boyes.
William Orack.	Mathew Dick.
William Ending.	William Law.
John Archbald.	John Archbald.

Aboard of the forsaid ship the day forsaid,
mustered be me Baillie Robert Faa, the number
of fourtie-six men, of officers and other seamen,
besyde the captain himself and the saids three
boyes.

(Signed) ROBERT FAA,
JOHN BOISUALL.

*A list of the officers and land soldiers aboard of the
Providence, Captain John Bosuall comander,
taken up and mustered be Baillie Robert Faa
in Dumbar the sixtein day of April, 1^m vj^c and
nyntie-four years.*

<i>Levtennant.</i>	<i>Serjants.</i>
John Dupont.	James Dickson.
	James Bilson.

Corporals.

William Scot.
Patrick Wilsone.

William Barty.
John Croose.
Thomas Davison,
drumer

Sentinels.

William Forbess.
Allexander Robertstone.
John Dean.
James Gary.
John Lindsay.
James Porteous.
James Wright.
Andrew Law.
George Mackdonald.
Peter Wilson.
Andrew Witherinton.
Mathew Whyt.
William Bevverly.
Allexander Smith, elder.
Allexander Smith,
 younger.
Allexander Merston.
Robert Hardy.
George Roos.
Henry Cumming.
John Nicoll.

William Avass.
John Mill.
John Whyt.
Fergus Mackenno.
William Grahame.
Andrew Davidstone.
John Mack Robert.
James Scot.
John Campbell.
David Borthwick.
Gilbert Richie.
James Prymor.
Thomas Barcla.
George Buchannan.
John Glenly.
Robert Reed.
James Pyper.
John Humphy.
Allexander Strachan.
John Baity.
John Floyde.
George Robisone.
William Mackfarlane.
John Murray.

Aboard of the Providence, the said Captain Bosuall comander, the forsaid sixtein of Aprile, 1694, mustered aboard conform to the abov-written roll off officers and souldiers, fiftie-two, be me

(Signed) ROBERT FAA,
JOHN DUPONT, Lt.

Minutes of the Privy Council of Scotland (résumé).

Edinburgh. 16th April, 1694.

The Lords approve the Chancellor's instructions to Sir Thomas Livingstone to remove from the island of the May the sheep or cows pasturing thereon, and to remove the garrison there, as the rebels in the Bass have frequently supplied themselves from the May with cattle, and they prohibit — Cuninghame of Barns from placing cattle or sheep thereupon, he being proprietor of the May, so long as the Bass is held by the rebels, on pain of being dealt with as a correspondent with them, and require him to give caution for his obedience.

Ibidem.

Edinburgh. 18th April, 1694.

*Commission : Major Reid to Treat with the
Rebels in the Bass.*

The Lords of their Majesties' Privy Council, having seen and considered the letters and proposals sent from the Bass to the Lord Chancellor, do hereby authorise and empower Major Robert Reid to treat with the garrison there and their governor anent the surrender of the Bass upon what terms and conditions and in what manner ; as also to do all other things for the carrying on and securing the said treaty and for the concluding and making the same effectual, as they shall see cause ; and the Lords of Council do hereby promise to hold firm and stable all and whatsoever things their said Commissioners shall do in the premises ; and this commission to endure till the

twenty-fifth day of April instant inclusive and no longer.

(*Sic subscribiter*) TWEEDDALE, Cancel,
SOUTHERLAND,
ANNANDALE,
FORFAR,
TARBAT,
ROSS,
BEILHAVEN,
CARMICHAELL,
POLWORTH,
JA. STEUART,
AD. COCKBURN,
ENSTRUTHER,
FRANCES MONTGOMERY,
LUDOVICK GRANT.

Eodem die, post meridiem.

Sederunt ut ante meridiem, except that the Lord Beilhaven was absent and the Lord Strathnaver present.

Articles¹ and Instructions for Major Robert Reid and . . . according to which and no otherwise they are to treat with Michael Midletoune and the other rebels in the Bass for surrendering and delivering up thereof, notwithstanding of the commission granted to them in general terms by the Privy Council for treating with the said rebels.

Primo, that there be an ample act of freedom and indemnity to the said Michael Midletoune and to all the other persons presently in the said island of the Bass under his command for their lives,

¹ See the *Scots Magazine* of March 1781, pp. 118-119.

liberties and fortunes, and of all past and done by them or any of them against this present government or to the prejudice of any particular person by sea or land since their seizing and holding out of the said island of the Bass for the defence or supply thereof, for nothing of all which they shall be questioned by any person or persons at any time hereafter ; *Secundo*, that such persons to be set down in list who are imprisoned upon account of the Bass, whether sentenced to death or not, with all others who have been in the said garrison and have left it since the first day of January 1693, shall be indemnified, freed and set at liberty ; with this declaration that no person whatsoever shall be for hereafter questioned or molested for having corresponded with or supplied the said garrison in any time past ; *Tertio*, that the said Michael Midletoune with the other persons in the said garrison under his command shall march out of the said island within twenty-four hours after signing the said capitulation with their swords only, and that boats shall be furnished to them for their safe transport to the shore at Castletown ; *Quarto*, the said Michael Midletoune and whole other persons within the said island are within twelve hours after the signing the said capitulation to deliver up to your possession the said island of the Bass with the cannon, whole arms and ammunition, stores, boats and others belonging to the said island or within the same, except the swords worn by the said persons themselves when they come out, and the goods after specified ; *Quinto*, that the said Michael Midletoune shall condescend under his hand upon the names and designations of the said persons comprehended in this capitulation who are to depart out of this kingdom for France between and the fixed day aftermentioned,

wind and weather serving, who shall have passes granted to them accordingly for their safe transport between and the said day ; and likewise shall condescend under his hand upon the names and designations of the persons foresaid, who are to remain within this kingdom, that protection may accordingly be given to them upon their granting bond, obliging themselves to live peaceably with all submission in the ordinary form ; *Sexto*, the said Michael Midletoune and other persons in the Bass shall be allowed the space of eight days' time after signing the capitulation for transporting out of the Bass the masts, nets, anchors, cables, salt and other goods belonging to themselves and not made use of for the crane or boats presently employed at the Bass, and they shall be allowed a barque or convenient boats for transporting the said goods without stop or hindrance, and shall be allowed to dispose of them for their own advantage ; *Septimo*, Captain Ferdinando's men, not exceeding the number of ten, are to be allowed a competent aliment until their going out of the kingdom which is to be between and the day of wind and weather serving, which is to be the fixed day both for them and those mentioned in the fifth article ; and a sufficient ship with provisions shall be ordered for their transport to Dunkirk or Havre de Grace gratis ; *Octavo*, upon the offer of this capitulation (if accepted) hostages be presently delivered for performance and the capitulation signed, conform to the commission of Council, that possession of the Bass be taken by you and the persons therein be carried ashore as above, and that they repair to Edinburgh with all conveniency there to remain till protection be given to such as are to remain within the country, and

a ship be made ready for transporting them who are to go to France and passes granted to them for that effect ; *Nono*, that the list mentioned in the second article be transmitted to my Lord Chancellor and agreed to by his Lordship before it be accorded to or the treaty concluded.

(*Sic subscribitur*) TWEEDDALE, Cancel.,
SOUTHERLAND,
ANNANDALE,
FORFAR,
TARBAT,
STRATHNAVER,
ROSS,
CARMICHAELL,
POLWORTH,
JA. STEUART,
AD. COCKBURNE,
FRANCES MONTGOMERY,
T. LIVINGSTONE,
JOHN HALL.

*Committee for Considering the List of Persons in
the Second Article of Instructions anent the
Surrender of the Bass.*

The Lords of their Majesties' Privy Council do hereby nominate and appoint the Lord Chancellor, the Earls of Southerland and Annandale, the Lord Advocate, the Lord Justice Clerk and Sir Thomas Livingstone, or any three of them, to be a committee to consider the list of the persons mentioned in the second article of the instructions given to Major Reid and . . . for treating with the rebels in the Bass anent the surrendering thereof, and to give their return thereon to the said Major and . . . that they may proceed accordingly ; and the said Lords declare that the Lord Chancellor is to be one of the above three.

Ibidem.

Edinburgh. 20th April, 1694.

Anent the Bass for the surrendering thereof.

A letter from Major Reid to Sir Thomas Livingstone anent what had passed between him and Michael Midletoune, governor of the Bass, and the rebels therein, in treating the surrender of the place, with the articles enclosed in the said letter read, and the articles being amended were transcribed and signed by a quorum of Council; and a list of persons imprisoned or under bail upon account of the Bass being also written, was signed by the Lord Chancellor, and both ordered to be given to Sir Thomas Livingstone by him to be sent forward to Major Reid. Follows the tenor of the articles signed by a quorum of Privy Council :—

Articles of Agreement for delivering the Bass.

Primo, that there be an indemnity to Michael Midletoune, governor of the Bass, and to all other persons under his command therein, or who have been of the said garrison and have left it since January, 1693, for their lives, liberties and fortunes for all what is past and done against this present government or whatsoever prejudice is or has been done to any other particular persons either here in this place or any other place by sea or land; and that none hereafter shall call them to account or have liberty to question them or any of them for what they have done hitherto or any account whatsoever; *Secundo*, that all the persons contained in the list herewith sent, imprisoned upon account of the Bass, whether sentenced to death or not, shall be indemnified,

freed and set at liberty upon delivery of the said Bass, and no person whatsoever shall for hereafter be questioned or molested for having correspondence with, supplied or assisted the said garrison in any time past; *Tertio*, that the foresaid garrison shall have liberty to march out with their swords and their baggage in their own boat to land any place where they please as convenience may serve, and dispose of the said boat at their pleasure afterward; *Quarto*, that every person in the Bass shall have liberty to go for France together with such of them as are in prison or out of prison belonging to the Bass, and that they shall depart between and the fifteenth day of May next; and a sufficient ship with provisions shall be ordered between and the day foresaid to transport them to Dunkirk or Havre de Grace, and that those who are not willing to go for France may have protections to stay in these kingdoms: *Quinto*, that boats shall be sent before surrender for transporting the nets, masts, cables and all other goods belonging to the said garrison themselves and not belonging to the Bass formerly, and that they shall not be stopped in selling and disposing the said goods to their own advantage; *Sexto*, the aliment granted by the government to Michael Midletoune, Dunbar, Halyburtone and Roy at their imprisonment in the Bass and unpaid when the Bass was surprised is already ordered by the Council to be paid to their country creditor and shall be performed; *Septimo*, there shall be an aliment allowed to . . . Captain Ferdinando's seamen, not exceeding ten, until the ships be ready for transporting them for France between and the day foresaid; and that the articles signed and subscribed by the Lord High Chancellor and other Lords of Council and Sir

Thomas Livingstone, commander-in-chief, etc., at Edinburgh the twentieth day of April, 1694 years, shall be delivered to the said Michael Midletoune for his and the other persons comprehended therein their security; *Octavo*, that the said Michael Midletoune and whole other persons within the said island are within twelve hours after the signing these articles of capitulation to deliver up to your possession the said island of the Bass with the cannon, whole arms and ammunition and others belonging to the said island or within the same, except the swords worn by the said persons themselves when they come out and the goods before mentioned belonging properly to themselves.

(*Sic subscribitur*) TWEEDDALE, Cancel.,
SOUTHERLAND,
LINLITHGOW,
ANNANDALE,
FORFAR,
TARBAT,
ROSS,
BEILHAVEN,
CARMICHAELL,
POLWARTH,
JA. STEUART,
AD. COCKBURN,
ENSTRUTHER.

A List of Persons who are to have the benefit of the Capitulation with those in the Bass, conform to the Third Article thereof, and that besides the General Article of Indemnity to all who have assisted or supplied the same.

Frazer, — Halyburtone, James Hay, William Gladstones, Andrew Caddell, James Midletoune,

William Witham, William Nicolsone, Gavin Johnston, William Robertstone and Alexander McGleish, all presently in prison, — Dunbar, — Blackiter, James Wilsone, George Hog in Wintoune, — Douglas, vintner, — Emeltoun in Dunbar, not in prison but under bail.

The London Gazette, No. 2970.

Edinburgh. 22nd April, 1694.

The Bass was surrendered yesterday in the evening upon articles, by which those that were in it are indemnified, and such as were under sentence of death for holding correspondence with them pardoned. There came out of the Bass sixteen men with their baggage and swords, and at the same time Major Reid with a party of men took possession of it by order of the Privy Council.

Minutes of the Privy Council of Scotland.

Edinburgh. 24th April, 1694.

*Warrant to Hire a Ship for Transporting the
Rebels that were in the Bass.*

The Lords of their Majesties' Privy Council do hereby appoint George Baillie of Jarviswood, general receiver of their Majesties' crown rents, to make search and try out for and conduce a sufficient well-conditioned ship, well furnished and provided with all necessities, for transporting to Havre de Grace in France the persons lately come out of the Bass at the time of its surrender and others who have corresponded with them; and for that effect to conduce and agree with a skipper and seamen for sailing the said ship at as easy and reasonable a rate as he can, and to condescend upon a fixed day for the ship's sailing

between and the fifteenth day of May next, and to make report of his diligence in the afternoon to the committee of Council appointed in this affair.

Seafield Correspondence (Scottish History Society), p. 141.

Edinburgh. 27th April, 1694.

Robert Dunbar¹ and two privateers with him came up to the Bass on Sabbath last to have put in provisions for them, but finding it was surrendered, and that four men-of-war lay here in the road, and Burd and Boswell hard by, they have gone off, but we fear skaith² by them ere they return.

Minutes of the Privy Council of Scotland (résumé).

Edinburgh. 1st May, 1694.

The Lords order intimation to be made by a macer to Michael Middletoun, sometime governor of the Bass, that he and all those with him who are to be transported to France be ready by 15th May, the day appointed for that voyage in the capitulation.

The Lords recommend to the Lord Advocate to call for — Osburn, skipper, who was taken in the ship lately seized with wheat before the Bass, and carried to France, but who has since

¹ Was one of several Scots rebels in France against whom a process of treason was raised in 1695. See *The Acts of the Parliaments of Scotland*, vol. ix, App. p. 115.

² Damage.

returned, and examine him as to the facts of the incident and the privateer which seized him.

Edinburgh. 2nd May, 1694.

The Lords ordain their macers to carry — Osburn, skipper in Dunbar, prisoner to the tolbooth of Edinburgh, there to remain till further order, and they meanwhile ordain Osburn to produce — Johnstone, his servant, for examination by them.

The Lords appoint the bond granted by Ensign David Dunbar, as one of the persons comprehended in the capitulation of the Bass, for his peaceable behaviour, dated 12th and 15th August, 1692, to be given up. His cautioner was Captain Archibald Dunbar in Col. Buchan's regiment.

Minutes of the Privy Council of Scotland.

Edinburgh. 10th May, 1694.

Letter from the King for Demolishing the Bass.

The following letter from the King's Majesty to the Council being read was ordered to be recorded, whereof the tenor follows:—

(*Sic suprascribitur*) WILLIAM R.,—Right trusty and right well beloved cousin and councillor, etc., we greet you well. We approve of the articles of capitulation agreed on with those that held out the Bass. . . . We do likewise require you to give orders¹ to Major-General Livingstone, the commander-in-chief of our forces, to make demolish all works, fortifications and other buildings what-

¹ There follows an Act of Council authorising Sir Thomas Livingstone to do what is directed in this letter.

soever upon the Bass, and to remove thence the cannon, ammunition and whatever else may be serviceable elsewhere; and so we bid you heartily farewell. Given at our Court at Kensington, the 30 day of April, 1694, and of our reign the sixth year, 1694. By his Majesty's command.

(Sic subscribitur) J. JOHNSTOUN.

CHAPTER IV

INTRODUCTION

THE WAR WITH FRANCE (continued), AND THE DARIEN EXPEDITION—1695–1702.

THE rise of an overseas trading and colonising policy in Scotland materialised in the establishment of the African Company in imitation of the great English chartered companies. On 24th June, 1695, the Act of Parliament incorporating the company trading to Africa and the Indies was passed. It entitled the company to fit out their own or hired ships in warlike or other manner to other lands and to make reprisals. In their expeditions to Darien from 1698 to 1700 their vessels were all armed, and some of them, if not all, had letters of marque from the Lords Commissioners of the Admiralty of Scotland approved by the Privy Council. This colonising spirit, quite as much as the war with France—which entailed the necessity of guarding Scots shipping against French privateers—and the many complications that continued to arise out of Scotland's dependence on the English Navy, accounted for the ready establishment by Parliament in 1696 of a small permanent Scots naval squadron of three men-of-war, which were built in London, and which were not fully paid for as late as April 1699. On 1st April, 1696, the first of this squadron, the *Royal William*, was commissioned with Edward Burd as captain. The other two, the *Royal Mary* commanded by John Bosswell, and one not named, probably the *Dumbarton Castle*, commanded by George Lyon, were, judging from their pay lists, commissioned in June 1696. They were

manned after the custom of the time by seamen and a complement of soldiers provided from the army. Their chief service was the defence of the shipping of Scotland against French privateers until the peace of Ryswick.

Some interesting matters arise in connection with naval affairs during this period. The Privy Council of Scotland, which had hitherto assumed and exercised full control of naval affairs in Scotland, after the death of the Duke of Hamilton, Lord High Admiral of Scotland, in 1694, and after the putting of that office into commission, ceded some of its power to these Commissioners. On 12th January, 1697, the Privy Council left it to the Admiralty to give Captain Burd directions as to protecting Scots shipping about Orkney, and on 10th March the same year a commission was issued by the said Commissioners to Andrew Brown to be lieutenant of the *Royal William*. The privateer's commission, issued on 20th December, 1700, to Captain John Campbell of the *Speedwell* of two hundred and fifty tons burden mounted with twenty-four guns and navigated by fifty men, defined the powers of the Admiralty. In terms of the King's commission setting up the Scots Admiralty referred to in the *Speedwell*'s commission it was provided that the consent of the Privy Council was necessary to the issue of commissions by the Admiralty to men-of-war or privateers.

On 13th January, 1697, the Earl of Marchmont, writing to the joint Secretaries of State for Scotland, complained of an infringement of the sovereignty of Scotland by an English man-of-war insisting on the *Royal William* striking¹ to her. This assumption by English men-of-war is more than once hereafter referred to and gave rise to irritation and protests.

The peace of Ryswick, in terms of which William's title to the crown of Great Britain was conceded, and Louis' power was curtailed, was signed on 20th September, 1697. The Scots army was in consequence much reduced

¹ This salute claimed by the English Navy is discussed by M. Oppenheim in vol. iii. of Sir William Monson's *Naval Tracts*, in the Navy Records Society's publications, 1912, pp. 45-55.

in establishment, and the three Scots men-of-war were soon after laid up. Marchmont, writing on 22nd October, 1697, speaks of the warships as laid up. The pay list of the Royal William, interesting as giving the rates of pay, the origins of the seamen and information that some joined the Darien expedition, shows that she was laid up in Blackness road in the Firth of Forth on 1st December, 1697, with a very reduced complement of men. The settlement of the arrears of pay due to the officers and men of the three Scots men-of-war detailed in the pay lists given for the time they were in commission was a long drawn out affair. The tacksman of the poll tax—imposed to meet these arrears—was ordered on 2nd August, 1699, by the Commissioners of the Admiralty to pay the seamen. They seem, however, to have got scant justice, for on a representation that Cochrane the tacksman oppressively took a receipt for 30 lib. for every 19 lib. paid by him, Parliament dealt with the matter on 7th January, 1701; and as late as 17th June, 1703, Captain Bosswell and his seamen of the Royal Mary again petitioned Parliament, complaining of the abuse of public faith by William Cochrane, tacksman of the poll, in holding back their pay.¹ A poll tax was originally imposed by the Scots Parliament on 29th May, 1693, on all the individual inhabitants of Scotland with certain exceptions, and was graduated according to the status of the individual. Its first object was to clear off arrears due to the country and to the army before 1st February, 1691. It was subsequently reimposed, and was applied to defray military and naval expenditure. Like most other Scots taxes it was farmed out.

Meantime the African Company was pushing on the ill-fated colonising scheme which ended in the disaster of Darien. On the eve of peace, on 3rd August, 1697, the Privy Council approved of letters of marque issued by the Commissioners of Admiralty in favour of the captains of four privateers belonging to the company; and later, on the 20th of that month, the Royal William was

¹ *The Acts of the Parliaments of Scotland*, vol. xi, p. 62 and App. p. 18.

instructed to carry over to Hamburg seamen to man two of them, the *Caledonia* and *Instauration*, and to convoy these two vessels to Scotland.

The ships that sailed in the first expedition to Darien from Leith, on 26th July, 1698, were the *St. Andrew*, Captain Andrew Pennicuick (commodore), the *Unicorn*, Captain Robert Pinkerton, the *Caledonia*, Captain Robert Drummond, ships carrying from 46 to 70 guns apiece; the *Endeavour* and the *Dolphin*, tenders of 14 guns each or thereby. The expedition arrived at Darien on 3rd November, 1698, and set about founding a colony and opening up trade with the neighbouring colonies, particularly with the English colonies in the West Indies and New England. Ignorance of proper methods, unpreparedness, the hostility of the English colonies and the awkward political complications arising in connection with their settlement in Spanish territory, which involved the active hostility of Spain and the antagonism of the English Government then at peace with Spain—all combined to ruin the enterprise. The colony was abandoned on 20th June, 1699. The *Endeavour* foundered in the retreat; the *St. Andrew* reached Port Royal, and the *Unicorn* New York, but both were left to rot. The *Caledonia* alone reached Scotland, in November 1699. The *Dolphin* was cast away on 5th February, 1699, near Cartagena, and her crew imprisoned as pirates by the Spaniards. They were only released in Spain after long diplomatic negotiations and the direct intervention of King William. On 24th February, 1699, the company sent off to Darien the *Dispatch*, a brigantine of 14 guns, under Captain Andrew Gibson, with provisions and advices. She was wrecked outward-bound amongst the Western Isles of Scotland. On 12th May, 1699, two auxiliary ships were dispatched—the *Olive Branch*, owned by the company, Captain William Jameson, and the *Hopeful Binning* of Bo'ness, hired from and commanded by Alexander Stark. They arrived at Darien about the middle of August, to find the original settlement abandoned. The *Olive Branch* was destroyed by fire a few days after arrival; and the *Hopeful Binning*

soon after withdrew with the handful of settlers to Jamaica.

A second expedition sailed from the Clyde on 24th September, 1699, and arrived at Darien on 30th November, 1699. It consisted of the *Rising Sun*, of 60 guns, owned by the company and commissioned by the Commissioners of Admiralty with the approval of the Privy Council, Captain James Gibson, commander and commodore, the *Hope*, owned by the company, Captain James Millar, commander, the *Duke of Hamilton*, chartered by the company, Captain Walter Duncan, commander, and the *Hope of Bo'ness*, chartered by the company, Captain Richard Dalling, commander. The same causes which led to the failure of the first expedition led to the failure of the second, and on 11th April, 1700, the settlers finally abandoned the colony. The *Rising Sun* was wrecked at Charleston, Carolina, and the *Duke of Hamilton* was also destroyed there. The *Hope* was cast away on the rocks of Colorados, Cuba, and the *Hope of Bo'ness* was sold at Cartagena to the Spaniards.

CHAPTER IV

The Acts of the Parliaments of Scotland, Vol. IX, pp. 352-354
(résumé).

9th May, 1695.

The King's Letter to Parliament.

'You will also be sensible that there is a necessity to have the coast and trade secured from privateers.' On 16th May this part of the King's letter was referred to the Committee of Trade, who were directed to communicate with the Committee for Security of the Kingdom.

Ibidem, vol. IX, Appendix, p. 98.

21st May, 1695.

The Committee of Trade having had under consideration that part of the King's letter relating to the security of trade and the defending the sea coasts of this kingdom from privateers, it is their opinion that a naval force is absolutely necessary for the encouraging and security of the trade and defending of our coasts; and it is likewise the opinion of the said Committee that the said naval force must consist at least of five ships of war, three of which ships to be from thirty to forty guns and two of twenty to twenty-four guns, which ships may be bought for twelve thousand pound sterling, and the maintaining of them well manned and in ware and tare for eight months in

the year will amount to twelve thousand pound sterling more. And in case there be a necessity for employing any of them longer in the year than eight months, it will amount to six hundred pound sterling more or thereby.

EGLINTOUN,¹ I.P.D.C.

Ibidem, Vol. IX, p. 356.

On 27th May, on the report of the Committee for Security of the Kingdom, parliament allowed three hundred thousand pounds Scots² for providing and maintaining cruisers and convoys for the defence of the coasts and trade.

Minutes of the Privy Council of Scotland.

Edinburgh. 26th November, 1695.

Warrant to the Clerks of Council to write to Mr. Hamilton in Ireland anent the Ship belonging to Fort William.

The Lords of his Majesty's Privy Council do hereby appoint any of their clerks to write to Master William Hamilton, Writer to the Signet, presently at Ireland, to cause put the ship called the William and Mary, which belonged to Fort William, into the possession of such of the seamen belonging to that ship as are in that place, and order these seamen to sail the said ship to New Port, Glasgow, and to get others joined to them, if they be not sufficient to sail it themselves, there to lie till further order; and that the said Mr. Hamilton take such security of these persons to whom the said ship shall be committed, as they are able to give, that they shall sail the said ship to the said port and make her forthcoming for the use of the said garrison.

¹ Alexander, eighth Earl of Eglintoun.

² £25,000 sterling.

Carstares State Papers and Letters (1774), p. 270.

Edinburgh. 10th December, 1695.

Sir James Ogilvie to Mr. Carstares.

I am sorry our Indian Act occasions so much trouble; for I think it will do little hurt to England seeing we want ¹ a fleet.

Minutes of the Privy Council of Scotland.

Edinburgh. 4th March, 1696.

Committee anent securing Ships in the Firth.

The Lords of his Majesty's Privy Council do hereby recommend to the Lord Justice Clerk and Lord Enstruther to call for and speak with the magistrates of Edinburgh, and to appoint the magistrates to call for and speak with such skippers at Leith and other places upon the coast side and with the merchants who may have interest in the ships lying in the harbours in the Firth as they can meet with, and to see what ways they can propose as most convenient for securing the ships in the harbours from the French, in case any French ships shall come within this Firth, whether it will be fit to carry the said ships to the harbour or road of Queensferry or other western harbours or roads, or what other expedients they will propose.

Ibidem.

Edinburgh. 6th March, 1696.

Recommendation to the Lords of Treasury to provide Vessels to cruise the Coasts.

The Lords of his Majesty's Privy Council do hereby recommend to the Lords Commissioners of his Majesty's Treasury to cause presently provide, furnish and send out a vessel or boat from Fifeness, and another from Dunbar or Eyemouth to sail and cruise within and without the Firth,

¹ Do not possess.

if they can see or perceive any number of ships making towards this Firth, and upon first sight thereof immediately to give information of the same to the Lords of Privy Council.

Ibidem.

Edinburgh. 10th March, 1696.

The Magistrates of Edinburgh appointed to send out Two Spy Boats.

The Council having sent for the magistrates of Edinburgh, compeared¹ Baillie Boudin and Baillie Warrander, to whom the Council recommended immediately to make ready two spy boats at Leith, and to furnish the same sufficiently with a good number of seamen for rowoars² and with oars and sails and all things necessary, and presently to dispatch them and to send an intelligent person with each of them who understands the shapes and building of ships and to go out and sail the Firth, the one by Fifeness and the other straight forward and to view the ships and vessels steering off Montrose and to bring a particular account what the ships are and to whom they belong, from whence they came and whither they design, and what is their errand or business, if they can know the same.

The Acts of the Parliaments of Scotland, Vol. X, p. 10.

10th September, 1696.

The King's Letter to Parliament.

The continuing of the forces, the buying of arms . . . and the provisions for your frigates being all for your defence . . . will readily persuade you to give what is needful for those ends.

¹ A Scots law term, meaning appeared in court in consequence of being summoned.

² Rowers.

Minutes of the Privy Council of Scotland.

The Abbey of Holyrood House. 11th September, 1696.

Recommendation for Furnishing Eighty Soldiers to Captain Burd's Ship.

Sir James Steuart, his Majesty's Advocate, having represented to the Council that Captain Burd, who commands one of the Scots men-of-war, his company consists only of one hundred men, whereas the complement put upon him by the Admiralty is one hundred and eighty men,¹ so that he lacks eighty of the Admiralty's complement and craves to be provided for some time out of his Majesty's standing forces until his complement be made up, his Majesty's High Commissioner and Lords of his Majesty's Privy Council do hereby recommend to Sir Thomas Livingstone, commander-in-chief of his Majesty's forces within this kingdom, to furnish to the said Captain Burd the said number of fourscore men with their arms out of his Majesty's regiments of foot soldiers; and recommend to the said Sir Thomas Livingstone to take care that the same be good and sufficient men; and appoint officers to be sent along with them; and ordain Captain Burd to furnish sufficient provisions for their aliment during their abode aboard, which is to be till the first day of November next to come.

Ibidem.

Edinburgh. 12th January, 1697.

Anent Captain Burd's Cruising about Orkney.

The Lord Advocate having moved that it is the desire of the merchants that Captain Burd may be ordered to go with his ship to Orkney and

¹ See *Pay Book of Royal William*, p. 226.

lie in the road of Kerstoun¹ and cruise about these islands for defence of our Scots ships, the Council did let the same fall, it being proper for the Admiralty.

Ibidem.

Edinburgh. 20th January, 1697.

*Letter to the King anent a Ship taken in Orkney
by an English Man-of-war.*

A letter from the Council to the King anent a Scots wine ship taken at Kerstoun in Orkney by an English man-of-war was read, voted and approven, and appointed to be transcribed and carried through the Councillors' houses in the afternoon that it may be dispatched by a flying packet this afternoon with a fuller letter to the Secretaries of State. Follows the tenor of the letter :—

May it please your sacred Majesty,—Having had a complaint exhibited to us in Council that a ship belonging to some of our merchants called the Kathrine of Dysart, James Symson, master, having come homeward the length of the road and bay of Carstoun¹ in Orkney, where she was at anchor close upon the land, was there with her crew seized and carried away by an English frigate called the Woolage frigate, one Stapleton, captain, as if she had been lawful prize ; which, being a manifest violation of the rights of this your ancient kingdom and a heavy loss and grievance to your good subjects concerned, and in effect of that consequence as to the security of our trade that it may in a great manner frustrate the payment of your Majesty's customs, we

¹ Cairston, in the west of the Orkney Islands.

thought it our duty, specially for preventing the grudges and animosities so likely to arise from such practices, to lay the case before your Majesty with all submission, most humbly entreating that your Majesty would cause give the necessary orders to make the captain of the said frigate make full restitution both of the ship and lading and damages of the parties concerned; and that, because of the frequent insults we have suffered of this kind, if it please your Majesty, such intimation and orders may be given to all ships of war and other ships and their commanders and masters that they presume not to seize, attack or molest in any sort any ship or vessel belonging to your lieges of this kingdom within the harbours, roads and waters thereof, which will both tend to the honour of this your ancient kingdom, the security and encouragement of the trade thereof, and the great satisfaction of all your Majesty's good subjects. We are, may it please your Majesty, your Majesty's most loyal, most faithful and most obedient subjects and servants (*sic subscribitur*),

POLWARTH, Cancelor,
QUEENSBERRY,
ARGYLL,
LEVEN,
ANNANDALE,
JO. HAMILTON,
TEVIOT,
RAITH,
BEILHAVEN,
HAMILTON,
JA. STEUART,
HOPE,
JO. MAXWELL.

Ibidem.

Edinburgh. 9th March, 1697.

Warrant anent Soldiers to Captain Burd's Ship.

The Lords of his Majesty's Privy Council do hereby recommend to the Lord Viscount of Teviot,¹ commander-in-chief of his Majesty's forces within this kingdom, to furnish and cause put aboard of Captain Burd (who commands one of the Scots men-of-war) his ship, the number of forty-five sentinels and two sergeants, with their arms, out of his Majesty's regiments of foot, and to take care that they be good and sufficient men; and ordain the said Captain Burd to furnish sufficient provisions for their aliment during their continuing aboard the said ship, which is to be aye and until these presents be recalled.

MS. in Register House, Edinburgh.

10th March, 1697.

By the Commissioners for executing the office of Lord High Admiral of Scotland, &c., To "Lieutenant Andrew Brown, hereby appointed Lieutenant of his Majesty's Ship Royal William.

By virtue of the power and authority to us given we do hereby constitute and appoint you lieutenant of his Majesty's ship the Royal William, willing and requiring you forthwith to go on board and take upon you the charge and command of lieutenant in her accordingly, strictly charging and commanding all the officers, seamen and soldiers belonging to the said ship subordinate to you to behave themselves jointly and severally in their respective stations and employments with all due respect and obedience unto you their

¹ Sir Thomas Livingstone, created Viscount Teviot 4th December, 1696; promoted Lieutenant-General 1st January, 1704; died at London 14th January, 1711, and was buried in Westminster Abbey.

said lieutenant, and likewise to observe and execute as well the instructions herewith to you delivered attested by our clerk as what further orders and directions you shall from time to time receive from your captain or any other your superior officers for his Majesty's service, wherein you nor none of you may fail as you will answer the contrary at your perils; and for so doing these presents (being to be recorded by our clerk and to continue until recalled) shall be your warrant. Given under our hands and the seal of the Office of Admiralty at Edinburgh the tenth day of March 1697, and of his Majesty's reign the eighth year. (*Sic subscribitur*),

POLWARTH,
JO. HAMILTON,
AR. HOPE,
SIR FRANCIS SCOT,
GEO. CLERK.

Marchmont Papers, Vol. III, p. 129.

11th March, 1697.

*The Earl of Marchmont to the Earl of Tullibardine¹
and Secretary Ogilvie.²*

Captain Burd with the Royal William is commanded out to cruise, because we hear of several small privateers about the coast. He has got with his sailing orders several articles of instruction, which are chosen out of the printed instructions which used to be given to his Majesty's ships in England. The copy of the fifteenth article is here inclosed, which your Lordship may consider, and acquaint the King of it, as you think fit. It is necessary also to acquaint his Majesty that the

¹ Lord Murray, created on 27th July, 1696, Earl of Tullibardine, afterwards Duke of Athole, was appointed Joint Secretary of State for Scotland in January, 1696.

² Sir James Ogilvie, afterwards Earl of Seafield, appointed Joint Secretary of State for Scotland on 5th February, 1696.

captain of the Nonsuch told Captain Burd that he had orders from the Lords of the Admiralty of England to force the Scots frigates to strike, when they meet with them. The Admiralty here can hardly believe it, yet Burd says that some of them shot sharp¹ at him, as he came down the river. The Lords of the Admiralty desire, lest any mischief should happen, that your Lordship would timeously speak to the King of this; and they doubt but his Majesty will own his Scots frigates as well as his English, and appoint only such salutation as passes amongst the English one to another, and will not admit his flag of the kingdom of Scotland to do homage to any, seeing they have a like interest in his Majesty.

Minutes of the Privy Council of Scotland.

Edinburgh. 5th May, 1697.

*Warrant to Lord Advocate to write for Seamen to
Captain Burd's Ship.*

The Lords of his Majesty's Privy Council do hereby recommend to Sir James Steuart, his Majesty's Advocate, to write in name and authority of the Council to the magistrates of the several maritime towns within the Firth that they proportion amongst them and furnish to Captain — Burd, commander of a man-of-war belonging to this kingdom, the number of twenty sufficient seamen, and, if the said twenty men be not immediately furnished, that the magistrates send in to the Council lists of all the seamen within their respective bounds, with certification that the Council will take another order for uplifting of the said seamen as law will allow.

¹ With ball.

Ibidem.

Edinburgh. 8th July, 1697.

Warrant to Furnish Parties of Foot Forces to man the Two Scots Ships of War.

The Lords of his Majesty's Privy Council do hereby recommend to the Earl of Argyll, commander-in-chief of his Majesty's forces within this kingdom for the time, to cause furnish such parties of his Majesty's forces of foot for manning the two ships or men-of-war belonging to this kingdom lately come from England as the Commissioners of the Admiralty shall think fit and appoint.

Ibidem.

Edinburgh. 27th July, 1697.

Recommendation anent the Three Scots Men-of-war.

The Lords of his Majesty's Privy Council, having considered this memorial presented to them by the Commissioners of the Admiralty of this kingdom, they hereby recommend to the Lords Commissioners of his Majesty's Treasury to make such provisions for the three Scots men-of-war lying in the road of Leith as their Lordships are able to do, to the effect these ships may go and cruise for a month or two about the coasts of this kingdom for clearing the coasts of French capers and to secure his Majesty's ships against the same or any prejudice from them.

Ibidem.

Edinburgh. 3rd August, 1697.

Approbation of Letters of Mart¹ in favour of Captain Pinkertoun and others.

The commissions or letters of mart in favour of the persons afternamed, viz. one in favour of Captain Robert Pinkertoun, captain of the good

¹ Marque

ship called the Union, a second in favour of Captain James Gibsone, master of the good ship or frigate called the Rising Sun, a third in favour of Captain John Broun, master of the good ship or frigate called the Instauration, the fourth in favour of Captain William Tennant, master of the good ship or frigate called the Calydonea, being this day read in presence of the Lords of his Majesty's Privy Council, they hereby approve of the said commissions, and appoint the persons abovenamed, masters or captains of the ships respectively foresaid each of them to swear and sign the oath of allegiance to his Majesty King William, and to sign the assurance to his Majesty appointed by Act of Parliament, and that before they enter upon the exercising of the said commissions or their offices therein as masters or captains of the foresaid ships.

The Darien Papers, by J. Hill Burton (1849), pp. 47, 48.

Instructions from the Court of Directors of the Company of Scotland trading to Africa and the Indies, to Captain William Tennant, Commander of one of the said Company's Ships named the Caledonia.

Whereas the Lords Commissioners of the Admiralty have ordered his Majesty's ship the Royal William, commanded by Capt. Edward Burd, to carry and transport to Hamburg such seamen as are by you listed into the company's service, therefore you are with all convenient expedition to go on board his said Majesty's ship, accompanied with all the seamen listed by you as aforesaid, and then to give your best assistance to the said Capt. Burd in making the best of your way to Hamburg, where you are immedi-

ately upon your arrival to repair to Mr. Alexander Stevenson our company's present agent in that city, and deliver to him the herewith transmitted packet.¹

You are then with all convenient speed to receive of the hands of the said Mr. Stevenson our said company's ship named the *Caledonia*, and take upon you the charge and command thereof, with an inventory of all manner of goods, stores, provisions, ammunition and other necessities thereunto belonging, signed by the said Mr. Stevenson, which you are to signify by a receipt to him under your hand.

You are likewise to take on board of our said company's ship all such other cargo or merchant goods as the said Mr. Stevenson shall appoint or allow of, we having particularly advised him with relation thereunto, and while you continue at Hamburg to follow his advice and instructions in all matters relating to the company's service, and after having received your dispatches there, you are to make the best of your way directly home to the road of Leith, still keeping company (as near as conveniently may be) with his Majesty's said ship the *Royal William*, and the company's other ship called the *Instauration*, commanded by Capt. John Broun.

And in regard we understand that you and the said Capt. John Broun are in very good terms each with the other, we do allow you to concert and agree among yourselves as to the matter of precedency in point of command, but in case you should happen to disagree therein you are (in presence of Mr. Stevenson) to determine the same by lot or cast of dice.

You are also to concert and agree with the

¹ Packet.

said Capt. Broun as to an equal division of all the seamen which are to carry over the company's said two ships from Hamburg as aforesaid, but if you should happen any ways to differ therein you are to be determined by the said Mr. Stevenson as absolute umpire for us in that matter.

And whereas further the Lords Commissioners of the Admiralty have upon our request granted you a commission or letter of marc¹ dated the 3rd day of August, 1697, herewith delivered unto you, you are to act pursuant thereunto, with such care, conduct and discretion as is suitable to the trust reposed in you, and the bond of cautionry granted to the said Admiralty by the said company.

Extracted by order of the said Court of Directors.

Signed at Edinburgh the 20th day of August, 1697, etc., *in communi forma* by

ROD. MACKENZIE, Secry.

Carstares State Papers and Letters (1774), p. 331.

Edinburgh. 10th August, 1697.

Lord Advocate to Mr. Carstares.

The Commissioners of the Admiralty ordered ships to be built at London. They proved excessively dear, above £17,000; and, before we could relieve them, the Lord Chancellor and Lord Rankeillour, Sir Francis Scot, George Clerk and I were necessitate to oblige our credit for £18,000 sterling. And, because the fund of the pole² did not answer, we applied to the Treasury for their help; but first they had no money; and next they said they had no warrant. We told the excise was given for the ships, as well as for the

¹ Marque.

² The poll tax.

forces, and at length prevailed for a precept of £4000 sterling on the excise payable March 1699, for clearing what is owing, and keeping the ships, if possible, at sea a small time. But you may judge how this remote fund can answer. . . . The Admiralty must have his Majesty's allowance to borrow money by advance, for such rates as we can obtain it. . . . And I assure you our ships, if kept out at sea, would be more profitable and pleasing to the nation than any regiment we have.

Ibidem, p. 337.

Whitehall. 31st August, 1697.

Secretary Ogilvie to Mr. Carstares.

Sir,— . . . The Admiralty is much concerned in that matter of which they have wrote to the King. They have got a precept from the Treasury of £4000 sterling, to be paid out of the last quarter's tack-duty of the second year's excise. Nobody would accept this without a considerable allowance, both upon the account of the hazard that they run, and of the lying out of their money. They desire that the King will empower them to transact and manage that precept to the best advantage. I have written of this likeways to Mr. Pringle.¹ If this be not done before the King returns it will occasion a great disappointment to the factors and merchants, who did advance the price of the ships, and what was due for the provisions. I know the Advocate has wrote to you of it very fully ; so I need add no more.

¹ Robert Pringle, appointed Under Secretary for Scotland 26th October, 1695, and Secretary Depute for Scotland on 26th May, 1696.

Ibidem, p. 343.

Edinburgh. 14th September, 1697.

Lord Advocate to Mr. Carstares.

Sir,—I acquainted you with the case of our Admiralty, and how five of us Commissaries were necessitate to engage our credit to get home our ships; and that at length we have got a precept from the Treasury of £4000, payable April 1699. We have sent the draught¹ of a letter to be signed by his Majesty approving this precept,² and allowing us to raise money upon it. Pray befriend us in the dispatch of it, for it would make our precept more valuable, and the raising of money upon it more easy.

State Papers (Scotland) Warrant Books, Vol. XVI.

King's Letter to the Privy Council for . . . laying up of the Ships of War.

WILLIAM R.,—Right trusty and well beloved Cousin and Councillor . . . since our service does not now require the keeping up of the frigates, you are likeways to give orders for laying up the same until we shall have occasion for them, for doing whereof this shall be your warrant. So we bid you heartily farewell. Given at our Court at Loo the 8th day of October, 1697, and of our reign the ninth year. By his Ma^{ty} command,

RO. PRINGLE.

¹ Draft.

² In *State Papers (Scotland) Warrant Books*, vol. xvi, is given the King's letter, dated 8th October, 1697, to the Lords Commissioners of Admiralty, approving of said precept.

Marchmont Papers, Vol. III, pp. 141-2.

Polwart House. 22nd October, 1697.
Nine in the morning.

*The Earl of Marchmont to the Lord Advocate at
Edinburgh.*

I am glad the ships are laid up, and the stores ; care must be taken to keep them, as well as the ships. I am very sorry that you and Bailiff¹ Clerk are so much troubled by the seamen ; certainly they need their wages—good words will not satisfy them. I wish you may get money to do it, at least in part. You know, my Lord, that I will not fail to give the utmost assistance in my power to those I am engaged with, especially yourself.

Seafeld Correspondence (Scottish History Society), pp. 232-4.

21st May, 1698.

*My Lord Advocate and Baillie Clerk's Letter to the
Lord Chancellor anent the Admiralty and the
Mediterranean passes.*

May it please your Lordship,—Baillie George Clerk and I, the only Commissioners of the Admiralty at present in this town, with Hugh Cuninghame, our clerk, have thought fit to send to your Lordship the account of the moneys appointed by the Parliament for the use of the Admiralty, as it was stated by your Lordship and the other Commissioners, and whereof the principal subscribed by the Commissioners is in the clerk's hand. Your Lordship may remember

¹ Baillie.

that this account, as the foot of it bears, was stated and recommended to your Lordship to be laid before his Majesty that his pleasure may be known therein, for payment of the sum of near six thousand pounds sterling yet resting to the captains and their men, as the account bears, and likewise for direction what shall be done with the ships, and how they shall be preserved and employed now in the time of peace. I need not put your Lordship in mind how the Admiralty ordered their equipage to be laid up at Burntisland, and where the vessels themselves should be kept, nor what were our considerations upon the whole matter. Your Lordship was at too much pains and trouble in this whole business to need any remembrancer. But, my Lord, the ships are now lying idle, and the equipage and stores are in hazard to perish or be embezzled, and both need some money for their preservation. The merchants also, specially the Glasgow men, would be content that the ships were in case to cruise, were it but for decency and to fright away pirates and robbers, which may take ships when they please out of our very roads and harbours. But the principal point desired is that there may be an instruction to the Parliament in order to this whole business, and that the Admiralty may have some fund to pay bygone just debts owing to several very indigent men and families, and to bear its necessary expenses. . . .

JA. STEUART,
GEO. CLARK.

My Lord,—There is also herewith sent a memorial about Mediterranean passes which I hope your Lordship will mind as much as possible. You know how much it is desired by the

merchants, and your Lordship also knows the difficulties, so that I need add no more about it.

JA. STEUART,
GEO. CLARK.

State Papers (Scotland) Warrant Books, Vol. XVII, Nos. 15 and 16.

*A List of the Com^{rs} for auditing the
Admiralty Accounts.*

WILLIAM R.:

A list of the persons whose names are to be insert in the Commission to be granted by us for auditing the accounts of the Commissioners of Admiralty in our ancient Kingdom of Scotland.

John, Marquess of Tweeddale.

John, Earl of Lauderdale.

Robert, Earl of Lothian.

David, Earl of Leven.

The Earl of Loudoun.

John, Earl of Kintore.

John, Earl of Ruglen.

George, Viscount of Tarbat.

John, Lord Carmichaell.

David, Lord Ruthven.

Adam Cockburn of Ormistoun, our Justice Clerk.

Sir William Hamilton of Whitelaw.

Sir James Murray of Philiphaugh.

Master Francis Montgomery.

Sir Archibald Murray of Blackbarony.

Sir Robert Sinclair of Stevenston.

Sir Patrick Hume, our Solicitor.

Given at our Court at Kensington the 24th day of June, 1698, and of our reign the tenth year.

*Docq^t of the War^t for a Commission for auditing the
Accounts of the Commissioners of Admiralty.*

May it please your Ma^{ty},—These contain your Ma^{ts} warrant for a commission to be past *per saltum* under your Great Seal of Scotland to the persons above named, and also insert in a list signed by your Ma^{ty} or to any five of them who are declared to be a quorum for stating and auditing the accounts of the Lords Commissioners of your Admiralty, or others concerned in the executing of the said office with the receivers, collectors and intromitters with the funds laid on for building and maintaining of ships, or any other moneys destinate for such uses, and that from the date of their commission to the first day of June instant, and to approve or disapprove of the articles thereof, and to grant them an ample discharge of the whole sums to be compted for, which your Ma^{ty} for yourself and as prince and steward of Scotland does ratify and confirm, ordaining this present commission to continue in force till and no longer.

Given at his Ma^{ts} Court at Kensington the 24th day of June, 1698, and of his Ma^{ts} reign the 10th year.

J. A. OGILVIE.

Sir John Dalrymple's Memoirs.

The First Darien Expedition.

On the 26th of July, of the year 1698, the whole city of Edinburgh poured down upon Leith to see the colony depart amid the tears and prayers and praises of relations and friends and of their countrymen. Many seamen and soldiers whose services had been refused, because more had

offered themselves than were needed, were found hid in the ships, and, when ordered ashore, clung to the ropes and timbers, imploring to go without reward with their companions. Twelve hundred men sailed in five stout ships.

Carstares State Papers and Letters (1774), p. 425.

Edinburgh. 15th August, 1698.

Lord Seafield¹ to Mr. Carstares.

Sir,—Since my last we have been endeavouring in the Committees to procure some relief to the broken officers and to the disbanded seamen ; and we have hopes to carry an act for poll money ; but it is to be so regulated as that it will not reach the poor.

Ibidem, p. 430.

Edinburgh. 2nd September, 1698.

Lord Seafield to Mr. Carstares.

All the subsidies that we could propose in the terms of our instructions are granted. We have the tunnage² for keeping of our ships, which runs five years ; we have poll money imposed for two years for payment of the arrears.

¹ Sir James Ogilvie was created Viscount Seafield on 24th June, 1698.

² On 1st September, 1698, Parliament assigned certain tunnage dues to maintain the Scots Navy under burden of a salary of £100 to Sir Archibald Sinclair, Judge of Admiralty, and of payments ordered in 1695 to Mr. John Adair, Geographer, and Mr. John Slezer, etc.

Complement of Men per Establishment, 180.

*Royall Williams Pay Book from the 1 of**began wages the first of Aprill 1696, ended the same the first of December in Blackness Road 1697.*

No. Entry book	Time of Entrie	Year	Whence	Mens names	Quality	D.	Time of Discharge
1	Date of commission Ditto Date of warrant ditto			Edward Burd Andrew Brown Jo. Cassells Richard Hislope	Captain Lieutenant Master boatswain	D	12th Novr.
5	Do. Do. Do. Aprile 1st.	1696	Leith	Andrew Foulter William Yoell William Robinson Ja. Syminton	gunner carpenter chyrurgeon cook	DD	1st Decr.
10	Do. Do. Do. Do. Do. Do. Do.		Methell Queensferry Lundie Prestonpans Baroustoness Do. Prestonpans	Jo. Thomson Tho. Jamison James Littlejohn Charles Shirriff Ja. Mitchell (1) William Lawson	mastrs. mate mastrs. mate midshipman to midshipman midshipman	DD D D	28th Feb. 1st Jan. 1st Jan. 1st Decr.
15	Do. Do. Do. Do. Do. Do. Do.		Baroustoness Do. Fisherrow Baroustoness Do.	Jesper Knowles Ja. Flaming Will. Gibb Hugh Polston Jo. Stirling	quartermr. quartermr. quartermr. boats-mate to gunner's mate		12th Novr.
20	Do. Do. Do. Do. Do. Do. Do.		Leith Edenbrugh Barrostoness Queensferry Do. Do. Do.	Math. Cuthell George Murry Andrew Ross Thomas Gibb Ja. Finlason Jo. White	quartermr. chirurg-mate coxswain steward able	the	
25	Do. Do. Do. Do. Do. Do. Do.		Leith Do. Do. Do. Do. Do. Do.	Frans. Crumbie Arch. Finly Will. Simpson And. Lowrie Gilbert Shirreff Ja. Younge		D D D D D	12th Nov. 12th Nov. 1st Decr. 12th Nov. 1st Decr.
30	Do. Do. Do. Do. Do. Do. Do.		Prestonpans Do. Leith Fisherrow Lergoe Do. Do. Do.	Will. Brown Jo. Willson Will. Reid Ja. Lowrie Will. Rough Jo. Inglish Geo. Wilkie	carprs crew able	D	1st Decr.
35	Aprill 1st. Do. Do. Do. Do. Do. Do.	96	Leven Do. Do. Do. Prestonpans St. Ninians Barostoness	Jo. Pedden Jo. Droummond Alex. Drysdale Jo. Yowng Ja. Atkenhead Jo. Wallis Jo. Lithgow Ja. Blair Ro. Reid Will. Falconer Walt. Thomson Jo. Gordon (1) Jo. Stons Ja. Mitchell (2) Dav. Christison Jo. Scouler Jo. Hutcheson Will. Lumsdaell Will. Patten Arch. Sime		R D D D DD D	1st Aprile 1st Decr. 1st Feby. 1st Decr. by a fall 1st Decr.
40	Do. Do. Do. Do. Do. Do. Do.		Do. Do. Do. Do. Do. Do. Do.				
45	Do. Do. Do. Do. Do. Do. Do.		Do. Do. Do. Do. Do. Do. Do.				
50	Do. Do. Do. Do. Do. Do. Do.		Do. Do. Do. Do. Do. Do. Do.				
55	Do. Do. Do. Do. Do. Do. Do.		Do. Do. Do. Do. Do. Do. Do.				
58	Do. Do. Do. Do. Do. Do. Do.		Do. Do. Do. Do. Do. Do. Do.				

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Aprile 1696 to the

1698.

Royall Willames pay book.

[illegible]

¹ The MS. spelling is adhered to.

Royall Williams Pay

No. Entry book	Time of Entry	Year	Whence	Mens names	Quality	D	Time of Discharge
59	April 1st	96	Barostoness	Ja. Brown			
60			Do.	Will. McKonell			
			Do.	Ja. Melyen			
			Do.	Alex. Yowng			
			Do.	Will. Workman		R	1st June
			Do.	Ja. Hill		D	1st Decr.
65			Do.	Alex. Tayler		D	1st Decr.
			Do.	Ja. Ritcheman	carprs. crew	D	1st Decr.
			Do.	Ja. Hay	able		
			Do.	Ja. McKonell			
			Do.	Jo. Niven			
70			Do.	Alex. Cornwall		R	1st Sept.
			Do.	Math. Robison	able	D	1st Decr.
			Do.	Jo. Gardiner			
			Do.	Jo. Norrie		R	1st Sept.
			Do.	Ro. Yowng		D	1st Decr.
75			Do.	Ro. Craigh	able	R	12th Novr.
			Do.	Ja. Lessells	to the	D	1st Decr.
			Do.	Jo. Halket		R	
			Do.	Ja. Halket		D	
			Do.	Ja. Herring			
			Do.	Ja. Baird			
			Do.	Dav. Donald			
			Do.	Jo. McBeath			
			Do.	Will. Draysdale			
			Do.	And. Colt			
85			Do.	Ja. Hutton			
			Do.	Patrick Simpson			
			Queensferry	Ja. Murray			
			Do.	Ja. Burn			
			Do.	Jo. Dowgall			
90			Leith	Jo. Brown			
			Barostoness	Alex. Thomson		R	1st Sept.
			Prestonpans	Geo. Lambe		D	1st Decr.
			Edinburgh	Wall. Ross		D	1st Sept.
			Do.	Jo. Leggate		D	1st Decr.
95			Do.	Peiter Gordon		D	1st Sept.
			Do.	Alex. Kenneir		D	1st Decr.
			Do.	Will. Ellison		D	12th Novr.
			Prestonpans	Jo. Jolly		D	12th Novr.
			Do.	Alex. Jolly		D	
100			Barrostones	Alex. Gibb		D	1st Decr.
			Edinburgh	Will. Card		D	
	Jully 1st	96	Barrostones	Tho. Fliming			
	Agust. 26th	96	London	Tho. Keir		D	1st Jany.
	Octr. 1st	96	Leith	Joseph Marjoribanks		D	1st Decr.
103	Do.	96	Do.	Jo. Gordon (2)			
	Do.	96	Do.	Dav. Burd			
	Do.	96	Do.	Cha. Petree			
	Janivar 25	97	Blackness	Cha. Sime			
	Febr. 1st	97	Leith	Ro. Robenson	armorer		
	March 1st	97		Ja. Swaine	armorer	D	1st Decr.
	Do.	97		Ja. Duncan	mastrs, mate		
	Do.	97		Jo. Steward			
	Do.	97		Jo. Mulbrie			
115	Do.	97		Ja. Weir			
	Do.	97		And. Taylor			
	Do.	97		Jo. Tarbote			
		97		And. Wilson			
		97		Geo. Wilson			
120		97		Ja. Douglas			
		97		Alex. Bouie			
122		97		Jo. Forrist			
		97		Geo. Fleming			

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[illegible]

Royall Williams Pay

No. Entry book	Time of Entry	Year	Whence	Mens names	Quality	D	Time of Discharge
125	April 1st Do.	97		Adam Cunenghame			
		97		Ja. Windram			
		97		Ja. Cleland			
		97		Alex. Kenadie			
		97		Jo. Clowston			
130		97		Ja. Wilkie			
		97		Jo. Patrick			
		97		Ja. Foord			
		97		Will. Demster			
		97		Ro. Demster			
		97		Will Lawder			
135		97		Ro. Barnes			
		97		Jo. Christmaker	trumpiter	D	1st Septr.
		97		Jo. Christmaker	trumpiter	R	24th Augt.
		97		And. Polston		D	1st Deecr.
		97		Ro. Adam			
140		97		Alex. Foulter			
		97		Alex. White			
		97		Ro. Crosbie			
		97		Nichol Crosbie			
145		97		Hugh Scot			
			re-entered	Jo. Balintine			
				Jo. Don		R	26 Augt.
147				Tho. Glover		R	
				Lewis Seaton			

Royall Williams complement of men allowed to keep the Ship

No. Entry book	Time of Entry	Year	Whence	Men's names	Quality	D	Time of Discharge
1	December 1	97		Ed. Burd	Captain		
				And. Brown	Lieutenant		
				Jo. Cassils	Mester		
				And. Foulir	Gunner		
				Jo. Stirling	Boatswan		
				Ja. Finlason	Steward		
				Jo. Leggat	able		
				Alex. Kenadie			
				And. Polston			
				Ja. Ford			
				Patrick Simpson			
				Alex. Foulter			
				Ro. Adam			
				Geo. Fliming			
				Jo. Steward			
				Ja. Duncan			
				Jo. Tarbote			
				Ja. Weir			
				Tho. Keir			
				Ja. Wilkie			

'We under subscribers all officers and seamen belonging to his Majesty's Ship the Royall William, whereof signed by the Clerk of the Admiralty for the pay yet due to each of us for our respective services on board and therefore we and each of us for our own parts do hereby fully exoner and discharge the said Captain

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Year	Whither	Month by Estab- lismt.	Wages full	Received	Nett du	To whome payed
		01 03 0	09 04 0	01 03 0	08 01 0	
		01 03 0	09 04 0	01 03 0	08 01 0	
		01 03 0	09 04 0	01 03 0	08 01 0	
		01 03 0	09 04 0	01 03 0	08 01 0	
		01 03 0	09 04 0	01 03 0	08 01 0	
		01 03 0	09 04 0	01 03 0	08 01 0	
		01 03 0	09 04 0	01 03 0	08 01 0	
		01 03 0	09 04 0	01 03 0	08 01 0	
		01 03 0	09 04 0	01 03 0	08 01 0	X
		01 03 0	09 04 0	01 03 0	08 01 0	
		01 03 0	09 04 0	01 03 0	08 01 0	
		01 03 0	09 04 0	01 03 0	08 01 0	X
		01 03 0	09 04 0	01 03 0	08 01 0	X
97	Sickness	01 03 0	05 15 0	01 03 0	04 12 0	
97	at Leith	01 03 0	—	08 01 0	—	
97	at Blackness	01 03 0	09 04 0	01 03 0	08 01 0	
		01 03 0	09 04 0	01 03 0	08 01 0	
		01 03 0	09 04 0	01 03 0	08 01 0	
		01 03 0	09 04 0	01 03 0	08 01 0	
		01 03 0	09 04 0	01 03 0	08 01 0	
		01 03 0	09 04 0	01 03 0	08 01 0	
		01 03 0	09 04 0	01 03 0	08 01 0	
		01 03 0	09 04 0	01 03 0	08 01 0	
		01 03 0	09 04 0	01 03 0	08 01 0	
		01 03 0	09 04 0	01 03 0	08 01 0	
97	Leith road	01 03 0	—	08 01 0	—	
		01 03 0	—	08 01 0	—	
		01 03 0	06 18 0	01 03 0	05 15 0	

Year	Whither

Captain Edward Burd commander grant us and each of us to have received from our said Capitaine a ticket of the said ship, besyde what we have received from the Capitaine conforme as the same is stated in this Book; Edward Burd of all that we can ask, claime or crave from him for our said service for ever.

[Follow the signatures, some by proxy.]

State Papers (Scotland) Warrant Books, Vol. XVII, Nos. 59 and 60.

On 20th December, 1698, a new commission was issued by the King for auditing the Admiralty accounts in favour of :—

Archbald, Earl of Argyll.
 John, Earl of Lauderdale.
 David, Earl of Leven.
 Hugh, Earl of Loudoun.
 William, Earl of Annandale.
 John, Earl of Kintore.
 George, Viscount Tarbat.
 John, Lord Carmichaell.
 David, Lord Ruthven.
 Archbald Cockburn of Ormistoun, our Justice Clerk.
 Sir James Falconar of Phesdo.
 Sir James Murray of Philiphaugh.
 Master Francis Montgomery.
 Sir Archbald Murray of Blackbarony.
 Sir Robert Sinclair of Steinston.
 Sir Patrick Hume, our Solicitor.

MS.¹ in the Register House, Edinburgh.

2nd August, 1699.

List of the Crew of his Majesty's Ship the Royall Mary commanded by

	£	s.	d.
John Boswall, captain	122	10	0
James Broun, liveten-			
nent		072	06 08
David Tod, master		57	07 11
Robert Allan, gunner		36	01 8
Robert Scott, bosuan		36	01 8
pd. 30 lib.			

¹ The MS. spelling is adhered to.

		£	s.	d.
pd. 30 m[erks]	James Wilson, carpenter . . .	36	01	8
	Alexander Douglas, chyrurgeon . . .	43	07	8
pd. 30 lib.	George Blyth, mat . . .	28	18	8
	James Gedd, mat . . .	28	18	8
pd. 30 lib.	John Wilson, midshipman . . .	17	03	6
	John Fergusone, midshipman . . .	20	00	0
	James Alexander, midshipman . . .	19	08	0
	John Lamond, midshipman . . .	20	00	11
	John Cook, quartermaster . . .	17	03	6
pd. 30 m.	John Small, quartermaster . . .	20	00	11
pd. 30 .	Robert Hutsone, quartermaster . . .	20	00	11
pd. 30 m.	Hendry Andersone, quartermaster . . .	20	00	11
	Mathow Mitchellsone, coxwaine . . .	20	00	11
	Archbald Pringle, steuart and clark, 40 <i>l.</i> 4 <i>s.</i> 10 <i>d.</i> , given out the ticket for 14 <i>l.</i> 7 <i>s.</i> and 11 <i>d.</i> , being the pay of the steuart, and ther being noe clerk, allowed by the said establishment . . .	14	07	11
	John Carnegie, cook . . .	20	00	11
pd. 30 m.	James Clark, coupar . . .	16	09	0

		£	s.	d.
pd. 30 m.	. James Whyt, gunner's mat . . .	19	08	0
	James Law, Boass- [wain] mat . . .	06	07	4
	John Cathcart, chirur- geons meat . . .	20	00	11
pd. 30 lib.	. Androw Gourly, able seaman . . .	16	09	0
pd. 30 m.	. Thomas Moyes, able .	06	15	0
	John Syme, able sea- man—Run away 30 July, 1697 . . .	00	00	00
	Archbald Angus, able.	15	16	0
pd. 30 lib.	. David Gaie, able .	16	09	0
	David Wilsone . . .	16	00	0
	David Broun, able sea- man—Run away . . .	00	00	0
	David Bennity, elder, able seaman . . .	16	09	0
	George Broun, able .	16	09	0
pd. 30 m.	. Andrew Key . . .	16	09	0
	Walter Chrihchton, able seaman . . .	16	09	—
pd. 30 lib.	. John Millar, able .	16	09	—
pd. 30 lib.	. William Forfar, able .	16	09	—
pd. 30 .	. Androw Geddie, able .	15	16	—
pd. 30 lib.	. Alexander Carfrae, able . . .	16	09	—
pd. 30 m.	. James Key, able .	16	09	—
pd. 30 m.	. George Boig, able .	15	16	—
pd. 30 m.	. Michall Seaton . . .	16	09	—
pd. 30 m.	. John Graham . . .	16	09	—
pd. 30 .	. James Chrysty . . .	15	16	—
pd. 30 m.	. James Thomsone . . .	16	09	—
pd. 30 m.	. James Watson . . .	16	09	0
pd. 30 .	. William Ending . . .	16	09	—

		£	s.	d.
pd. 30 lib.	. George Haigie . . .	16	09	—
	Archbald McQueen . . .	16	09	0
pd. 30 lib.	. John Mellvill ¹ . . .	16	09	—
pd. 30 m.	. William Greg . . .	16	09	—
pd. 30 lib.	. John Kelloch . . .	16	09	—
	John Lethum . . .	16	09	0
pd. 30 lib.	. William Mitchellson . . .	16	09	—
pd. 30 .	. Alexander Aitken . . .	16	09	0
pd. 30 m.	. James Anderson . . .	16	09	—
	Robert Sybald . . .	16	09	0
	George Bartie			
	(? Barvie) . . .	16	09	0
not .	. James Smart, elder . . .	16	09	0
pd. 30 lib.	. David Henderson . . .	16	09	0
pd. 30 lib.	. John Smart, younger . . .	06	01	0
pd. 30 m.	. George Balvaird . . .	16	09	0
	James Balvaird . . .	16	09	0
pd. 30 lib.	. John Belfrage . . .	02	09	1
pd. 30 lib.	. John Wilson, younger . . .	16	09	—
	George Small . . .	16	09	0
pd. 30 lib.	. John Peadge . . .	16	09	0
	George Daes, able sea-			
	man . . .	16	09	0
pd. 30 lib.	. James Elder, able . . .	16	09	0
	David Bennitie,			
	younger. . .	15	02	0
pd. 30 .	. Alexander Wyley			
	(? Wyly) . . .	16	09	—
	David Webster . . .	16	09	0
pd. 30 .	. James Coupar . . .	16	09	0
pd. 30 .	. William Law . . .	16	09	0
	Henry Tod—Run 18			
	June, 1696 — No			
	ticket . . .	00	00	00

¹ On a paper attached: 'I, John Mellven, a[m] doue to Elen Scott 3 lib. 16s. 0d. quhich I grant to paye.'

		£	s.	d.
pd. 30 lib.	James Black . . .	16	09	0
	John Barcklay . . .	16	09	0
	Thomas Melvill . . .	16	09	0
	William Lindores— Dead 2 August, 1696 —No ticket . . .	00	00	0
pd. 30 lib.	George Keith . . .	16	09	0
	William Broun . . .	16	09	0
	Adam Blackader . . .	16	09	0
	Archbald Gray, ordin- ary . . .	07	01	8
pd. 30 m.	John Stocks, ordinary . . .	07	01	8
pd. 30 .	Hugh Frazer, ordinary . . .	07	01	8
	Thomas Wilsone, ordin- ary . . .	07	01	8
	William Lamb, ordin- ary . . .	07	01	8
	Alexander Tarbat, ordinary . . .	07	01	8
pd. 30 m.	James Bennet, ordin- ary . . .	07	01	8
pd. 30 m.	John Couper, ordinary . . .	07	01	8
	Andrew Reid, ordinary . . .	07	01	8
	Patrick Walker—Run 29 October, 1696— No ticket . . .	00	00	0
	John Donaldsone, able seaman . . .	09	01	07
pd. 30 lib.	James Rodger, able . . .	04	08	0
	Ninian Rodger, carpen- ters meat . . .	21	01	0
	Michall Schaw, able . . .	14	13	0
	John Kard, able . . .	04	12	0
pd. 30 .	Joseph Reid, able . . .	06	15	9
	John Hamson, able . . .	14	13	9
	Archbald Kellso, able . . .	13	—	—

		£	s.	d.
	James Ellies, able—			
	Run 29 October, 1696	00	00	00
	James Cook, ordinary.	06	06	0
pd. 30 .	James Suan, able .	12	08	9
	John Watt, armourer	14	06	9
	Alexander Anderson,			
	ordinary . . .	05	01	0
	Alexander Blair, able,			
	3 months midship-			
	man . . .	11	12	6
	William Wilson, able .	10	05	0
pd. 30 m.	Ralph Broun, able sea-			
	man. (This ticket for			
	10 <i>l.</i> 2 <i>s.</i>) . . .	¹ 09	14	9
pd. 30 lib.	John Orrock, able.—			
	The ticket for this			
	is 9 <i>l.</i> 14 <i>s.</i> 09 <i>d.</i> . . .	¹ 10	02	0
pd. 30 lib.	Thomas Broun, able .	09	13	0
pd. 30 m.	Patrick Robertson .	05	10	0
pd. 30 lib.	John Gray . . .	08	01	0
pd. 30 lib.	Thomas Boyd, ordin-			
	ary . . .	05	01	8
pd. 30 lib.	John Irving, able .	04	05	6
pd. 30 m.	John Archbald, able .	03	00	0
	Philip Armstrong, able	00	19	0
	Hugh Garvan, able.—			
	Noe ticket . . .	00	00	0

*Ibidem.**List of the Crew of His Majesty's Ship*
commanded by

pd. 30 lib.	George Lyon, com-			
	mander . . .	92	5	0
	Hugh Campbell, master	49	04	0

¹ *Sic.*

		£	s.	d.
pd.	. John Semple, doctor .	36	18	0
pd. 30 lib.	. John Boag, gunner .	30	15	0
pd. 30 lib.	. William Taylyor, boat- suain .	30	15	0
pd. 30 lib.	. Patrick Gray, car- penter .	30	15	0
pd. 30 lib.	. John Gordon, 1 mate .	24	12	0
pd. 30 lib.	. Ninian Warden, 2 mate .	24	12	0
pd. 30 lib.	. Edward Menin, cook .	17	04	3
pd. 30 lib.	. John Charters, doctors mate .	17	04	3
pd. 30 lib.	. Nicolas Limon, quarter- master .	17	04	3
pd. 30 m.	. Patrick Ritchy, quar- termaster .	11	12	0
pd. 30 lib.	. George Taylyor, mid- shipman .	17	04	3
pd. 30 lib.	. John Ridlen, ditto .	17	04	3
	. John Brock, quarter- master—Run Octo- ber 12, 1697 .	00	00	0
	. Archbald Scott, mid- shipman .	17	04	3
pd. 30 .	. Thomas Walker, couper .	14	02	9
	. Patrick Johnston, cock- sone .	17	04	3
pd. 30 lib.	. James Lyell, carpen- ters mate .	20	09	10
	. John Calderwood, gun- ners mate, for James Shirer .	11	11	1
pd. 30 lib.	. Thomas Crawford, sailler .	14	02	9
	. James Shirer, sailler .	14	02	9
	. Neill Montgomery, sailler .	14	02	9

		£	s.	d.
	David Boag, ordiner .	06	02	4
	William Bell, ditto .	06	02	4
pd. 30 lib.	. John Hoome, ditto .	06	02	4
	William Gordon, ditto	00	00	00
	John Steuart, ditto .	06	02	4
pd. 30 lib.	. John Dennie, ditto .	06	02	4
	John Ashine [<i>sic</i>], ditto	06	02	4
	Robert Telfer, joyner .	14	02	9
	Gavin Forsyth, ordinar	06	02	4
	Hugh M ^c Arter, sailler —Run	00	00	0
	William Anderson, ditto—Run	00	00	0
	Patrick Callbreath, quartermaster	16	08	11
	William Ritchy, sailler	14	02	9
	Archbald Turnbull, ditto	14	02	9
	Gilbert Muat, ditto— Run			
pd. 30 lib.	. James Clark, ditto .	14	02	9
	John Carruth, ditto— Run			
	Umphra Morison, sail- ler—Run			
pd. 30 m.	. James Young, ditto .	14	02	9
	John Buchanan, ditto —Run			
	Neill Gray, ditto	14	02	9
pd. 30 .	. William Anderson, elder, ditto	14	02	9
pd. 30 lib.	. Archbald Potter, ditto	14	02	9
pd. 30 lib.	. Robert Montgomery, ditto	14	02	9
pd. 30 lib.	. Robert Ganerden, ditto	14	02	9

		£	s.	d.
pd. 30 .	. William Fyfe, sailler .	14	02	9
	John Gey . . .	14	02	9
pd. 30 lib.	. John Temple . . .	14	02	9
pd. 30 lib.	. Henry Ridlen . . .	14	02	9
pd. 30 lib.	. Patrick Hoome, sailler	04	04	9
pd. 30 lib.	. John Murray, ditto .	14	02	9
	John Stevenson, ditto	14	02	9
pd. 30 lib.	. George Pollock, steuart	15	14	3
pd. 30 .	. John Walker, ordiner.	04	01	9
	John Tod, boy . . .			
	Henry Lyell, sailler .	09	07	0
pd. 30 lib.	. Hugh Graham (?),			
	ditto . . .	04	07	0
pd. 30 lib.	. Androw Lyon, ditto .	04	07	0
pd. 30 lib.	. John Ritchy, midship-			
	man . . .	04	18	9
pd. 30 lib.	. James Adam, sailler .	04	04	4
pd. 30 lib.	. Gabriell Green, ditto .	04	04	4
pd. 30 lib.	. Henry Clark, ditto .	04	04	4
pd. 30 lib.	. Alexander Wilson, ditto	03	18	9
	John Lootfoot, ditto .	03	18	9
pd. 30 lib.	. John Rid, sailler, dead	03	03	0
pd. 30 m.	. Thomas Leish, ditto .	03	12	9
	Arthur Fisher, ditto—			
	Run . . .	00	00	00
pd. 30 m.	. Thomas Taylyor, mid-			
	shipman, for shot			
	dead . . .	03	13	6
pd. 30 lib.	. Alexander Nimmo,			
	ditto . . .	02	06	07
	Nill Offrill, dead . . .	00	00	00
pd. 30 lib.	. Joseph Meldrum, clerk	04	15	9
	George Lyon, boy . . .	00	00	00
	John Thomson, dead .	00	00	00

Ibidem.

*List of the Crew of His Majesty's Ship called the
Royall William, commanded by Captain Edward
Burd.*

		£	s.	d.
	Androw Broun, lieutenent	70	00	00
pd. 30 m.	. John Cassills, master	56	—	—
	Richard Hyslope, bostswain, the neat wadges payed by precept Admiralty	00	00	00
pd. 30 m.	. Androw Fouler, gunner	35	—	—
pd. 30 lib.	. William Yoell, carpenter	35	—	—
	William Robinsone, chyrurgeon	42	—	—
pd. 30 m.	. James Symonton, cook	18	4	—
	John Thomson, masters mate	08	—	—
	Thomas Jamieson, masters mate	4	—	—
pd. 30 lib.	. James Littlejohn, midshipman	24	16	—
	Charles Shirriff, midshipman	18	4	—
pd. 30 m.	. James Mitchell, midshipman	18	4	—
pd. 30 .	. William Lausone, midshipman	18	4	—
pd. 30 lib.	. Jesper Knowles, quartermaster	18	4	—
pd. 30 m.	. James Fleeming, quartermaster	18	4	—
pd. 30 m.	. William Gib, quartermaster	18	4	—
		R		

		£	s.	d.
	Hugh Polston, quarter-			
	master . . .	18	4	0
pd. 30 m.	. John Stirling, boat-			
	swains mate . . .	29	12	—
pd. 30 .	. Mathow Cuthell, gun-			
	ners mate . . .	18	4	—
pd. 30 lib.	. George Murray, quar-			
	termaster . . .	21	13	4
pd. 30 m.	. Androw Ross, chyrur-			
	geons mate . . .	18	4	—
pd. 30 m.	. Thomas Gib, cock-			
	swaine . . .	18	4	—
pd. 30 lib.	. James Findlaysone,			
	steuart . . .	18	4	—
pd. 30 m.	. John Whyt, able . . .	14	19	0
pd. 30 m.	. Francis Cromby . . .	14	19	—
pd. 30 lib.	. Archbald Finlay . . .	06	05	0
	William Simpson, able,			
	nett wadges payed			
	by precept Admir-			
	ality, noe ticket . . .	00	00	0
pd. 30 m.	. Androw Lowrie . . .	14	19	0
	Gilbert Shirriff . . .	06	05	—
	James Young . . .	14	19	—
pd. 30 lib.	. William Broun . . .	14	19	—
pd. 30 lib.	. John Wilson . . .	14	19	—
pd. 30 m.	. William Reid . . .	14	19	—
pd. 30 .	. James Lourie, carpen-			
	ters crew . . .	15	05	—
	William Rough, able . . .	14	19	—
pd. 30 .	. John English, able . . .	14	19	0
pd. 30 m.	. George Wilky . . .	14	19	0
pd. 30 lib.	. John Drummond . . .	14	19	0
pd. 30 m.	. Alexander Drysdale . . .	08	01	0
pd. 30 m.	. John Young . . .	14	19	0
pd. 30 lib.	. James Aitkenhead . . .	14	19	0

		£	s.	d.
pd. 30 lib.	. John Wallis . . .	14	19	0
	James Lithgow, dead by a fall from the mast head, the dead mans friends expect some charity . . .	11	10	0
pd. 30 m.	. James Blair . . .	14	19	—
pd. 30 m.	. Robert Reed . . .	14	19	—
pd. 30 lib.	. William Falconer . . .	14	19	—
pd. 30 m.	. Walter Thomsone . . .	14	19	0
pd. 30 lib.	. John Gordon (1) . . .	14	19	0
pd. 30 lib.	. John Stone . . .	14	19	—
pd. 30	. James Mitchell (2) . . .	14	19	—
pd. 30 m.	. David Christysone . . .	08	01	—
pd. 30 .	. John Scouler . . .	14	19	—
pd. 30 lib.	. John Hutchesone . . .	14	19	0
pd. 30 m.	. William Lumsdale . . .	14	19	—
pd. 30 .	. William Patten . . .	14	19	0
	Archbald Sime . . .	14	19	0
pd. 30 m.	. James Broun . . .	14	19	0
pd. 30 .	. William M ^c Konell . . .	14	19	—
pd. 30 .	. James Melven . . .	14	19	—
pd. 30 m.	. Alexander Young . . .	14	19	0
	William Workman, Runaway . . .	00	00	0
	James Hill . . .	14	19	0
pd. 30 .	. Alexander Taylyor . . .	05	15	0
pd. 30 m.	. James Ritchman, car- penters crew . . .	15	05	—
pd. 30 .	. James Hay, able . . .	14	19	—
pd. 30 .	. James M ^c Konell . . .	14	19	—
pd. 30 .	. John Niven . . .	14	19	—
	Alexander Cornwall (Runaway), 1st Sept. 1696 . . .	00	00	0
pd. 30 m.	. Mathow Robinsone . . .	14	19	0

		£	s.	d.
	John Gardiner . . .	14	19	0
	John Norrie, Runaway said 1st September . . .	00	00	0
pd. 30 m.	. Robert Young . . .	14	19	0
pd. 30 m.	. Robert Craigh, able to the 12 Novr. 1696, then boatswain's meat	18	01	6
	James Lessells, Run- away 1st Apryl . . .	00	00	0
pd. 30 m.	. John Halkett, able . . .	14	19	—
pd. 30 lib.	. James Halket . . .	14	19	—
pd. 30 m.	. James Herren . . .	14	19	—
pd. 30 .	. James Baird . . .	14	19	—
pd. 30 m.	. David Donnald . . .	14	19	—
	John M ^c Beath . . .	14	19	—
pd. 30 lib.	. William Drysdale . . .	14	19	—
pd. 30 m.	. Androw Coult . . .	14	19	—
pd. 30 m.	. James Hutton . . .	14	19	—
pd. 30 .	. Patrick Simpstone . . .	14	19	—
	James Murray . . .	14	19	—
pd. 30 m.	. James Burn . . .	14	19	—
	John Dougall . . .	14	19	—
pd. 30 m.	. John Broun . . .	14	19	—
	Alexander Thomsone, R[unaway] 1st Sep- tember	00	00	0
	George Lamb . . .	14	19	—
pd. 30 lib.	. Walter Ross . . .	03	09	—
pd. 30 lib.	. John Leggat . . .	14	19	—
pd. 30 lib.	. Peter Gordon . . .	03	09	0
pd. 30 lib.	. Alexander Kinnire . . .	14	19	0
pd. 30 lib.	. William Allisonè . . .	07	08	0
pd. 30 .	. John Jolly . . .	06	05	0
pd. 30 .	. Alexander Jolly . . .	06	05	0
pd. 30 m.	. Alexander Gib . . .	14	19	0

		£	s.	d.
	William Qard . . .	14	19	—
pd. 30 lib.	. Thomas Fleeming . . .	05	15	0
pd. 30 lib.	. Thomas Keer . . .	14	19	0
pd. 30 lib.	. Joseph Marjoribanks . . .	08	01	0
	John Gordon (2) . . .	08	01	—
pd. 30 lib.	. David Burd . . .	08	01	—
	Charles Petrie . . .	14	19	—
pd. 30 m.	. Charles Simm, armoror . . .	11	10	—
pd. 30 lib.	. Robert Robinson, armoror . . .	11	10	0
pd. 30 lib.	. James Swane, masters mait . . .	16	00	0
pd. 30 m.	. James Duncan, able seaman . . .	09	04	0
pd. 30 lib.	. John Steuard . . .	09	04	0
pd. 30 lib.	. John Mulbry . . .	09	04	0
pd. 30 m.	. James Weir . . .	09	04	0
pd. 30 lib.	. Androw Taylyor . . .	09	04	0
pd. 30 lib.	. John Tarbott . . .	09	04	0
	Androw Wilsone, able seaman . . .	09	04	0
pd. 30 lib.	. George Wilson . . .	09	04	—
pd. 30 m.	. James Douglas . . .	09	04	0
pd. 30 lib.	. Alexander Bouie . . .	09	04	—
pd. 30 lib.	. John Forrest . . .	09	04	—
pd. 30 lib.	. George Fleeming . . .	09	04	—
pd. 30 lib.	. Adam Cuninghame, volunteer, per order . . .	08	01	0
	James Winram . . .	08	01	0
	James Clelland . . .	08	01	0
	Alexander Kennedy, able seaman . . .	08	01	0
pd. 30 lib.	. John Cloustoun . . .	08	01	0
pd. 30 lib.	. James Wilky . . .	08	01	0
pd. 30 lib.	. John Patrick . . .	08	01	0
pd. 30 m.	. James Ford . . .	08	01	0

		£	s.	d.
pd. 30 .	. William Dempster .	08	01	0
pd. 30 .	. Robert Dempster .	08	01	0
pd. 30 m.	. William Lauder, able seaman .	08	01	0
pd. 30 .	. Robert Bairns .	04	12	0
	John Christmaker (1), trumpetour, R[un- away] 24 August .	00	00	0
pd. 30 .	. John Christmaker (2), trumpetour .	08	01	0
pd. 30 .	. Androw Polston, able seaman .	08	01	—
pd. 30 m.	. Robert Adam .	08	01	—
pd. 30 .	. Alexander Foulter .	08	01	—
pd. 30 m.	. Alexander Whyt .	08	01	—
pd. 30 m.	. Robert Crosby .	08	01	—
pd. 30 m.	. Nicolas Crosby .	08	01	—
	Hugh Scott .	08	01	—
	John Ballantyne .	08	01	—
pd. 30 lib.	. John Don, R[unaway] 26 August 1697 .	00	00	0
	Thomas Glow [sic], R[unaway] .	00	00	0
pd. 30 lib.	. Lewis Seaton .	05	15	0

William Coch[r]an of Ferguslie, tackisman of the poll, whairas by our precept drawne on you the 9th of Apprill last we ordered you to pay to George Clark, cash keeper for the Admiraltie, the sum of one thousand pund sterling for the use of the seamen who served aboard of his Majestys frigotts and that after the preference of precepts drawn for payment of cloathing money to the forces and provisions for the said frigotts, which precept being now reteired and cancelled you are therefore heirby now ordered to pay the forsaid

sum of one thousand pund sterling as followes, viz. to the said George Clark the sune of one hundred threttie-seaven pund ten shilling sterling, and the remainder therof being eight hundred sixtie-two punds 10s. sterling to the persons conteined in this page and preceeding ten pages, each of them at fiftie shilling sterling, for payment of which sumes extending togidder to the said sum of one thousand pounds sterling, these presents with their respective receipts salbe¹ your warrand. Daited at Edinburgh, 2nd August 1699.

(Signed) MARCHMONT, Cancellar,
AD. COKBURNE,
F. MONTGOMERIE.

Minutes of the Privy Council of Scotland.

The Abbey of Holyrood House. 20th December, 1700.

*Allowance and Consent of Council in favour of
Captain John Campbell.*

Upon a representation made by the Lord High Chancellor of Scotland to his Majesty's High Commissioner and the Lords of his Majesty's Privy Council, that application had been made to the Commissioners of Admiralty for this kingdom, by Captain John Campbell, commander of the ship called the Speedwell, burden two hundred and fifty tons or thereby, mounted with twenty-four guns and navigated by fifty men, requesting that a commission of war might be granted to him with power to apprehend, seize and secure the persons of any pirates, free-booters and sea robbers, whether his Majesty's subjects or of other nations associated with them, as the said Captain Campbell should meet with in any of the ports or places or upon any of the coasts or seas of India or in any other seas whatsoever,

¹ Shall be.

with their ships and vessels, merchant ware and goods or money aboard the same, and to compel them by force to yield if they refuse to submit without fighting, and that by the commission from his Majesty for exercising the said office of Admiralty it was provided that the allowance and consent of the Lords of his Majesty's Privy Council should be had and obtained at granting any such commissions to ships of war or privateers : His Majesty's High Commissioner and the Lords of his Majesty's Privy Council, having considered the foresaid representation with the commission of Admiralty abovementioned, and the powers to be contained in the said commission of war, they hereby consent to and allow the granting of the said commission of war to the said Captain John Campbell for the ends and uses abovementioned.

The Acts of the Parliaments of Scotland, Vol. X, App. pp. 71, 72.

Tuesday, 7th January, 1701.

Petition Captain John Bosswell, commander of the *Mary* frigate for himself and in name of the officers and seamen that served under him, craving payment of the sum therein mentioned of balance due to them, and that William Cochrane of Ferguslie be ordained to repeat the money wrongly exacted from them read, and warrant granted to cite Ferguslie to answer to the said petition on forty-eight hours' warning.

Unto His Grace James Duke of Queensberry,¹ his Majesty's High Commissioner and the honourable Estates of Parliament. The petition of the poor seamen of Borrowstowness

¹ James, second Duke of Queensberry, who was Lord Privy Seal in 1696, was appointed by King William Commissioner to his last Parliament in 1700.

who served aboard of the Scots frigate
commanded by Captain Edward Burd,
Humbly sheweth,

That where your petitioners, about forty in number, having for a considerable time served aboard the frigate commanded by Captain Edward Burd there is due to your petitioners a considerable sum conform to the several bills or tickets obtained by us from the Admiralty Office, which your Grace and honourable Estates' petitioners relied upon as a sufficient security, persuading ourselves thereby to recover payment out of the funds appointed by former sessions of this Parliament for that effect. Notwithstanding whereof, and of several applications made by your petitioners to the Lords of his Majesty's Treasury, we cannot obtain payment, and your petitioners having contracted several debts for the subsistence of our poor families, the time we were in his Majesty's service, for which we now suffer a legal distress, besides that we lie under quarterings for payment of our proportions of the cess imposed upon the town of Borrowstowness for relief of the royal burghs for benefit of trade, wherethrough your Grace's and honourable Estates' petitioners are indeed redacted to the greatest of necessity and want, which at present lies heavy upon us, our credit being quite exhausted by the debts formerly contracted by us while we were in his Majesty's service. Likeas some of your petitioners upon applications to the Lords of his Majesty's Treasury in the month of August 1699, obtained precepts for a small sum, viz. 30 lib. Scots¹ each (in part of debts due to us) upon William Cochran of Ferguslie, tacksman of the poll, but such was

¹ See pay lists already given.

his rigorous extravagance that he would not pay these precepts unless your petitioners would discharge the 30 lib. for 19 lib., which we were necessitated to do for a present relief, whereby it is evident to your Grace and honourable Estates how exceedingly your petitioners do suffer both by lying out of the money due unto us, and by the avarice and oppression of Ferguslie.

May it therefore please your Grace and the honourable Estates to take the condition of your petitioners (consisting of many poor families) under your special consideration, and grant warrant for payment of your petitioners, upon such manner as your Grace and Estates shall think fit, and in the meantime that the foresaid cess payable out of Borrowstowness may be stopped towards your petitioners' payment so far as the same will extend, and grant such redress to your petitioners of the wrong and oppression suffered by Ferguslie, as your Grace and Estates shall find just. And your petitioners shall ever pray.

Edinburgh. 7th January, 1701.

His Majesty's High Commissioner and the Estates of Parliament having heard this petition, they grant warrant to macers to cite the within William Cochran of Ferguslie to compear before the High Court of Parliament on forty-eight hours' warning to answer to the complaint mentioned in this petition against him.

MARCHMONT, Chancellor, I.P.D.P.

CHAPTER V

*THE REIGN OF QUEEN ANNE to the UNION
OF THE PARLIAMENTS OF ENGLAND
AND SCOTLAND: 1702-1707.*

INTRODUCTION

THE Partition treaties of 1698 and 1700 regulating the succession to the Spanish throne were successively superseded by the deaths of Ferdinand of Bavaria and Charles, King of Spain. The latter, in despite of the treaty terms, bequeathed the crown of Spain to Philip of Anjou, second son of the Dauphin of France, who to the aggrandisement of France succeeded in October, 1700. Next year the Grand Alliance was formed against him and his grandfather, Louis XIV, by the Emperor, the Estates of Holland and William III, and the war of the Spanish succession began. On 8th March, 1702, William died, but his foreign policy was taken up and prosecuted with vigour by his successor, Queen Anne. During the war, which lasted until 1709, great success was attained in the field on the continent of Europe by the English under Marlborough at Blenheim, Ramillies, Oudenarde, and Malplacquet; while Admirals Sir George Rooke, Sir Cloudesley Shovell, Sir John Leake, and Benbow, at Vigo Bay, Gibraltar, in the Mediterranean, in the West Indies, and in other places established the preponderance of England at sea.

In the course of the war, while Scots regiments performed great and important service, the small Scots navy of three frigates, inherited by the Queen from her predecessor, could do no more than routine local, though

useful, service in protecting from French and Ostend privateers Scots shipping on the east and west coasts of Scotland. On 25th August, 1702, the two smaller frigates, the *Royal Mary* and the *Dumbarton Castle*, were ordered to be 'outriked' to protect the coasts of Scotland, and orders were given that the defects of the third and largest frigate, the *Royal William*, should be remedied, the poll tax and the more usual cess or land tax being voted to defray the outlay on the frigates. Whether the *Royal Mary* and the *Dumbarton Castle* were commissioned that season is not altogether clear. It is certain that early in March, 1703, the Scots government invited the English Admiralty to protect Scots shipping in Scottish waters. A curious commentary on this request for extraneous assistance is the fact that a few days earlier, on 27th February, the *Royal William*, then lying idle in Burntisland harbour, was according to usual custom lent out to Captain Thomas Gordon of Aberdeen and two partners for a trading voyage to the East Indies. Parsimony of this kind while French and Flemish privateers were infesting the coasts of Scotland and damaging Scots merchant shipping could not endure, though it was not easily stopped. Early in July, 1703, the *Royal Mary* and the *Dumbarton Castle* were certainly rigged out and manned; and on the 16th of that month Thomas Gordon of Aberdeen and Mathew Campbell, their respective captains, along with other officers, received their commissions. A sidelight is thrown upon the methods of manning these frigates in the complaint to the Privy Council by John Spence, captain of a Leith merchantman, that Captain Gordon had pressed his crew into the Royal service. The Privy Council disbelieved the complaint, and Spence felt the matter so strongly that next year he refused to salute the Scottish flag flying on the *Royal Mary*, and was on 2nd May, 1704, dealt with by the Privy Council for the offence. From the date of her commission until 20th September, 1703, the *Royal Mary* was on duty on the east coast of Scotland convoying Scots shipping between the Firth of Forth and Orkney. The *Dumbarton Castle* was during the

same period performing similar work between the Sound of Mull and Lambay Island near Dublin. With characteristic Scotch thrift the Royal Mary was lent out during the winter of 1703-4 to her captain for a trading voyage to Italy with a cargo of salmon and herring. On 14th March, 1704, the two frigates were again commissioned and were ordered to their former stations on the east and west coasts of Scotland.

Meantime the Scots government had issued letters of marque on 3rd January, 1704, to the Annandale, Captain Ap Rice, and on 29th February to the Alexander Gally, of Queensferry, Captain Stewart. The Annandale, belonging to the African Company of Scotland, was fitted out, an expiring effort to prosecute the East Indian trade. On her maiden voyage to the East she was detained in the Downs by the East India Company of England and was condemned as prize. This was the cause of the capture in reprisal by the African Company in Leith roads in February, 1705, of the English ship the Worcester, commanded by Captain Green. On 5th March, Green and others of this crew were condemned to death by the Scottish Court of Admiralty for piracy and for murdering Captain Drummond of the Speedy Return, belonging to the African Company; and he and two others were hanged. This incident gave rise to such extraordinary bitterness of feeling between England and Scotland, that it became an important compelling cause of the Union of 1707.

In the course of the cruise of the Royal Mary in 1704, Captain Gordon succeeded in capturing two or three French privateers. Writing in April, 1704, to Lord Cromartie, Joint Secretary of State for Scotland, Lord Seafield, Lord High Chancellor of Scotland, reported that Captain Gordon had cleared the coast of sea privateers, having chased three of them.¹ One French frigate was reported to the Privy Council on 15th May, 1704, as having been brought into Leith. The subsequent proceedings regarding this capture show that the prisoners were sent in September under convoy by

¹ Fraser's *Earls of Cromartie*, vol. i, p. 235.

sea to Newcastle to be exchanged by the English Admiralty for Scots prisoners in France. Another French privateer, the *Marmedon* of Dunkirk, was captured early in August. That same month Captain Gordon captured the *Katherine* of Rotterdam on a voyage from the Canaries to Rotterdam. She was laden with wine and was equipped with a French passport 'which was discovered to Captain Gordon by the cook of the said ship in revenge to the captain, who had the day before beaten him, and she is ordered this day [August 29] to be brought into Leith harbour in order to the selling both the bottom and the cargo.'¹ Her capture and confiscation gave rise to prolonged diplomatic representations by the Estates of Holland; and the matter was not settled for years, though the influence of the Crown was used for her owners. Diplomatic correspondence with the Lord High Treasurer² about this capture was drawn out as late as June, 1714. There is no record of any captures in 1704 by the *Dumbarton Castle*.

After the usual stay in harbour during winter the two frigates were again, in February and in March, 1705, commissioned for service, the *Royal Mary* doing convoy duty between Tynemouth and Orkney. On 25th May the *Dumbarton Castle* captured a French privateer of eight guns and brought her into Greenock, whence sixty-two of her crew were transferred to Glasgow tolbooth. About the same time Captain Gordon captured an Ostend privateer of four guns, called the *St. Trinity*, commanded by Jean Sable. From the Queen's letter of 19th August, 1707, we learn that the *St. Esprit*, an Ostend privateer of four guns, was captured by the *Royal Mary* near Fraserburgh in 1705. In 1705, owing to the strained relations existing between England and Scotland, arising out of Captain Green's affair, the old method of exchanging prisoners through the English Admiralty received a check. In June, 1705, the Privy Council, on the petition of the magistrates of Aberdeen, a town which had three ships recently captured by the French and Ostenders,

¹ *Portland Papers*, *Hist. MSS. Com.* iv, 117.

² *Treasury Papers*, vol. clxxvii, 8, P.R.O.

liberated the French prisoners captured in Jean Sable's ship by Captain Gordon in the hopes that Scots prisoners in France and in the Spanish Netherlands would be similarly released. This action was resented in England, and on 28th June the Depute Secretary of State for Scotland strongly expressed Lord Godolphin the Treasurer's disapproval of it. All the same the new method seems to have worked satisfactorily judging from the minute of the Privy Council of 13th December, 1705. In June, July and August, 1705, Captain Gordon was at Tynemouth running on shore from the Royal Mary, for his friend Colonel Villiers the governor, supplies of French wines and other dutiable goods.¹

That same year Colonel Nathaniel Hooke, a Jacobite emissary from the Court of Louis, made his first visit to Scotland in the interest of the Old Pretender. The time was considered opportune for an attempt to restore the exiled dynasty, owing to the bitter feeling between England and Scotland and the growing unpopularity of the proceedings just commencing which culminated, two years later, in the corporate union of the two countries. Hooke's *Memoirs* disclose a typical case of the common practice of Scotsmen in those days giving hostages to fortune on both sides. However careful Captain Gordon was in convoying Scots shipping, and faithful in capturing French and Ostend privateers, out of which he could make handsome prize money, he was not averse, under the influence of the Countess of Erroll, from putting his telescope to his blind eye when a French ship brought over Jacobite political agents to Scotland. Fourteen signals were agreed upon between Captain Gordon and the Captain of the French frigate *Audacious*, which brought over Hooke, whereby they could recognise and avoid each other.

The need for further protection against French and Spanish privateers became so great that on 8th September, 1705, the Royal William was outrigged at the expense of the Royal Burghs, put in commission, and stationed on the east coast. Captain Thomas Gordon of the Royal

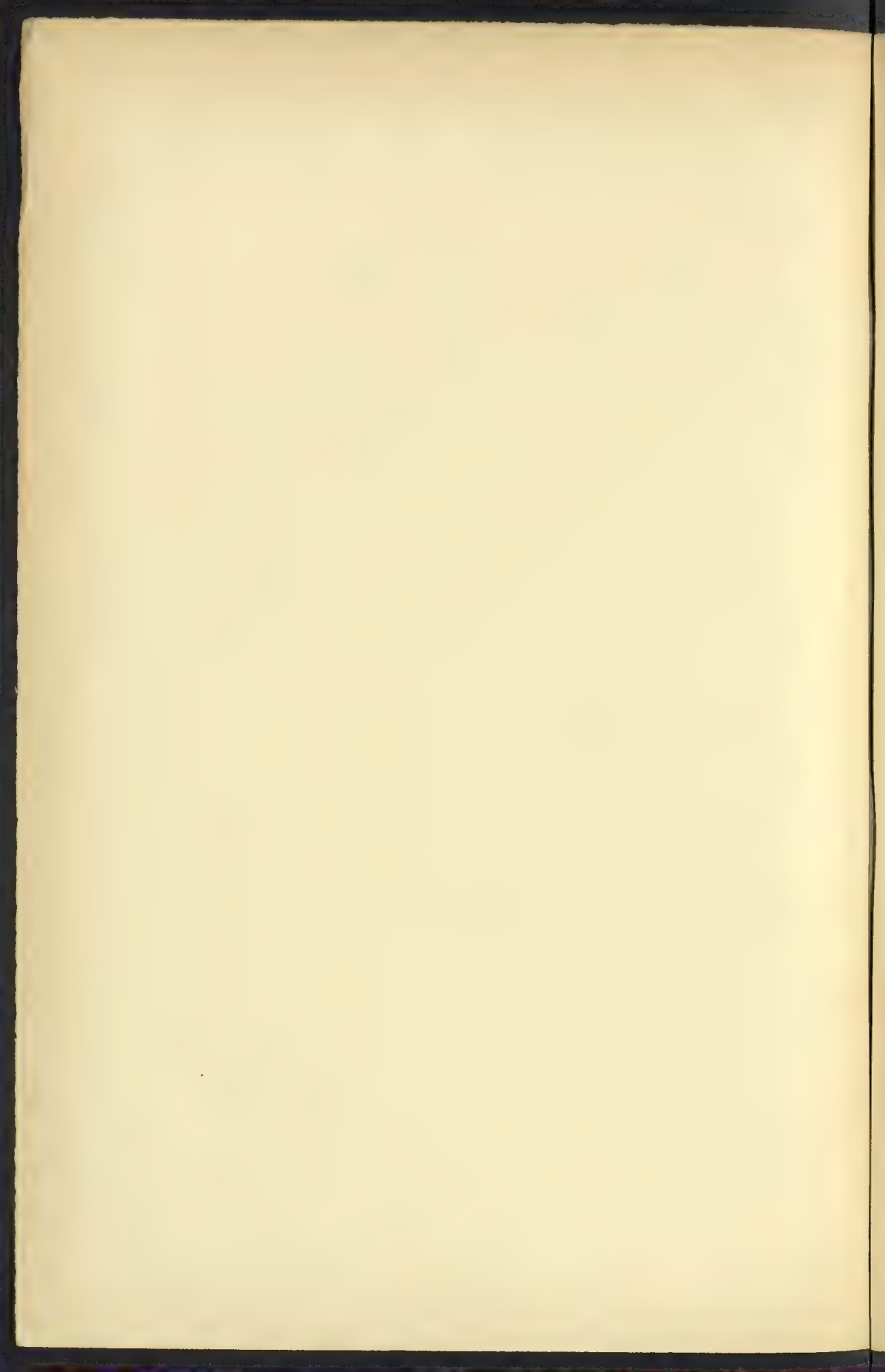
¹ *Treasury Papers*, vol. xcvi, No. 40, P.R.O.

Mary was promoted to her command on 7th November, 1705, and James Hamilton of Orbieston, Lanarkshire, was on the same date posted to the command of the Royal Mary. On 22nd December blank commissions were issued for other officers of the three Scots frigates, but none of these were filled up until 12th March, 1706. On that date David Prescio was appointed lieutenant and George Hay master of the Royal William, and William Hay lieutenant, and Patrick Hay master of the Royal Mary. Earlier, on 7th March, sailing orders were issued to Thomas Gordon, commodore of the Royal William and Royal Mary, stationed on the east coast of Scotland, to guard the shipping on that coast and convoy it between Tynemouth and the Orkney Islands. Captain Campbell was again posted to his old station on the west coast of Scotland and England. In May, 1706, the Royal William was in Gothenburg being fitted with new masts, and was ordered to convoy twenty-five to thirty sail for Scotland.¹ In June the Royal William and Royal Mary were so busily engaged in guarding the east coast against small privateers, that they could not be spared to go to the Baltic to convoy Scots shipping from there to Scotland, and the English Navy was appealed to for the necessary convoy. That same month Captain Gordon raised the old question of the English Navy's claim to be saluted by the Scots men-of-war striking to them. At the same time he referred to the Lord High Admiral of Scotland a complaint by the Captain of the Dunwich, English man-of-war, that he fired an evening and morning gun in an English port. His vessel the Royal William had by this time become so crank that the Privy Council allowed the derelict guns of the Bass, lying at Leith, to be used as ballast for her. Early in July the Dumbarton Castle captured a French privateer and put on shore seventy prisoners. The daily allowances made by government to the prisoners for sustenance was 10s. or 12s. Scots for a captain, 6s. Scots for a lieutenant or mate, and 3s. or 4s. Scots for an ordinary seaman. In July or August the Royal Mary captured another

¹ *Mar and Kellie Papers, Hist. MSS. Com., p. 202.*

privateer. The three frigates of the Scots Navy were in commission as late as November, 1706; and were probably laid up in harbour during the winter. They were again recommissioned in March, 1707, and were ordered to their old stations, where they remained under Scots control until the union in May, 1707. In June, 1707, Captain Gordon, then commodore of the two frigates guarding the east coast, hoodwinked his junior colleague, Captain Hamilton, and concerted with the Earl of Erroll how to steer clear of a French frigate under M. de Ligondez, which was then on the north-east coast of Scotland attending Colonel Hooke.

In Queen Anne's reign the policy of recruiting the English Navy from Scotland was continued as in King William's reign, though in a modified manner. No compulsory levy of a fixed number of seamen was ordered, enlistment being made voluntary.



CHAPTER V

State Papers (Scotland) Warrant Books, Vol. XVIII, No. 330.

The Queen's Letter to the Lords Commissioners of Treasury anent the Frigates for the Defence and Security of the Coasts.

ANNE R.—Right trusty . . . we greet you well. We understand by our Secretaries¹ that the funds given in the last session of Parliament were given partly for the outreiking² and maintaining frigates for the defence and security of the coasts in this time of war, and that the Commissioners of our Admiralty have given a particular account to our Secretaries for our information, that two frigates one for the east coast and the other for the west coast are needful to be outreiked so soon as may be, and of what money it will require for to outreik them and maintain them monthly the time requisite for to have them at sea, but that the funds given will not fall due for some time, so that of necessity there must be an advance upon credit for the ends above mentioned: Therefore we have thought fit to recommend this whole matter to your care, empowering you to allow such an encouragement for advance as shall be needful to

¹ On 12th May 1702, the Earl of Seafeld and the Duke of Queensberry were appointed Joint Secretaries of State for Scotland.

² Outrigging.

the end that, as you shall receive account from our Admiralty, you may use your endeavours to have them answered. And that it may appear there is nothing left undone which may render that security, which was intended by the Parliament, effectual, it hath also been represented that the biggest of the frigates,¹ which is not to be out-reiked at this time, is in an ill condition and like to perish, and therefore we do likewise recommend it to your best care to prevent this loss and inconvenience. For doing whereof this shall be your warrant: And so we bid you heartily farewell. Given at our Court at Windsor Castle the 25th day of August 1702 and of our reign the 1st year.

By her Majesty's command,
QUEENSBERRY.

State Papers Domestic Naval (Entry Book), 1703-8. P.R.O.

Miscellaneous Correspondence.

Admiralty Office. 11th February, 1702-3.

Sir,—Being informed this morning that her Majesty hath not yet sent to the Council of Scotland for the seamen which the frigates are going to that kingdom to fetch for the fleet, I thought it necessary to acquaint you therewith, and to desire that you will move the Rt. Honoble. the Earl of Nottingham therein.

I am,
Your most humble servt.,
J. BURCHETT.

¹ The Royal William.

State Papers (Scotland) Warrant Books, Vol. XVIII, No. 708.

*The Queen's Letter to the Lords Commissioners
of Treasury in Favour of Captain Gordon
and Partners.*

ANNE R.—Right trusty . . . we greet you well. Whereas we understand that James Gordon, merchant in Edinburgh, and George Lockhart, merchant in Glasgow in that our ancient kingdom, and other merchants joined with them, do intend a trading voyage to the East Indies, providing that they may have the use of our ship the Royal William now lying in harbour of Burntisland in our said kingdom as she now is, they being at all further expenses in rigging and fitting out the said ship for her voyage: And we considering that the said ship is more liable to rotting and decaying by her not being used than if she were, and having no occasion at this time to employ her in our service, are willing to give all proper encouragements to trade, and resolved to bestow a mark of our royal favour upon the said James Gordon, George Lockhart and Thomas Gordon (who is to be captain of our said ship for the voyage) and others who shall join with them: It is therefore our will and pleasure, and we do hereby authorise and require you to cause deliver to the said Captain Thomas Gordon, for the use of the said James Gordon and George Lockhart, and others who shall join in partnership with them our said ship the Royal William, as she now lies in the foresaid harbour with what masts, guns, sails and other rigging did belong to her at her last coming from sea, they finding sufficient security for redelivering the said ship with all guns, masts, sails and other rigging so delivered

to them at her return, and also all addition of the necessary equipments which shall be purchased by the said partners towards carrying on a voyage to the East Indies (sea hazard excepted), without any allowance made to them for what they had so purchased. For doing of which this shall be your warrant. And so we bid you heartily farewell. Given at our Court at St. James's the 29th day of february 1702-3 and of our reign the first year.

By her Majesty's command,

TARBAT.¹

Minutes of the Privy Council of Scotland.

Edinburgh. 31st March, 1703.

Recommendation to the Lord Chancellor² to write to the Secretary anent Convoys and Cruisers.

The Lords of her Majesty's Privy Council do hereby recommend to the said Lord High Chancellor to take what method his Lordship shall think most proper for desiring of her Majesty and his Royal Highness, Prince George of Denmark, Lord High Admiral of England, that convoys be seasonably allowed to Scots merchant ships trading from England to Scotland, and that cruisers be appointed to cruise upon the coasts of Scotland from St. Abbs Head to Orkney, and upon the western coasts of this kingdom for securing the coasts and ships trading there from privateers.

¹ On 21st November, 1702, the Earl of Seafield was appointed Lord High Chancellor of Scotland, and on the same day Viscount Tarbat succeeded him as Joint Secretary of State for Scotland. On 1st January, 1703, Tarbat was created Earl of Cromartie, his patent passing the Great Seal on 18th September following.

² The Earl of Seafield.

Ibidem (résumé).

Permission is given to the captains of two of her Majesty's men-of-war lying in the road of Leith to recruit seamen volunteers in all sea towns between Stirling and Aberdeen, also on the Clyde from Glasgow to Ayr, and from Eyemouth to Leith, the magistrates being instructed to aid them in this.

Hume of Crossrigs Diary, p. 103.

Occurrences in Parliament.

Tuesday, June 1.—. . . Motions about rigging out the frigates for clearing the coasts full of French privateers.

Minutes of the Privy Council of Scotland.

Edinburgh. 12th June, 1703.

*Recommendation to the Treasury for Outrigging
Her Majesty's Two Ships of War for Pre-
serving Trade &c.*

His Grace her Majesty's High Commissioner¹ and Lords of her Majesty's Privy Council having considered the many informations given in to them of the damages sustained by the merchants in this kingdom in their trade both on the east and western coasts by French privateers, find it necessary that her Majesty's two ships of war called the Mary and Dumbarton Castle be outrigged and employed for her Majesty's service in securing the trade of this kingdom and coasts thereof from the insults of French privateers, and any damages that the merchants and trade of

¹ The Duke of Queensberry, Principal Secretary of State for Scotland, was Lord High Commissioner to the Scots Parliament which sat from 6th May to 16th September, 1703.

this kingdom may sustain by them, and therefore recommend to the Lords of her Majesty's Treasury to take effectual course for outrigging of the said two ships of war, and to order and give warrant for payment of such sums of money as shall be necessary for the effect and service abovementioned, and for maintaining the said two ships of war at sea with the men and officers aboard the same for the space of four months after the first day of July next to come; and recommend to Lieutenant General George Ramsay,¹ commander-in-chief of her Majesty's forces within this kingdom, to order such a number of the said forces to march and be shipped aboard the said two men of war with officers to command them, as the Lords of her Majesty's Treasury shall appoint.

*Warrant to the Two Captains of the Scots Frigates
to Levy Seamen.*

His Grace her Majesty's High Commissioner and the Lords of her Majesty's Privy Council having heard a representation made to them by the Lord High Chancellor that the captains of her Majesty's two frigates formerly appointed to be outrigged for defending the coasts against pirating had difficulty in engaging seamen aboard the said frigates, his Grace and the said Lords of her Majesty's Privy Council ordain the magistrates of the respective burghs and sea port towns within this kingdom, or any other persons having warrant from the said captains of the said two frigates, to beat drums within the respective bounds of the said burghs and seaport towns for intimat-

¹ Third son of George, second Earl of Dalhousie, served in the Low Countries; promoted Brigadier-General in 1690, and after Landen in 1693 Major-General; was promoted Lieutenant-General on his appointment to the Scottish command in 1702.

ing to all able seamen who by their own free consent given before a magistrate are willing to serve aboard her Majesty's said two frigates, that they repair to the said two captains and there offer themselves to them or either of them; and ordain all magistrates and others within the burghs and seaport towns foresaid to give all due encouragement to the said two captains and others employed by them in levying seamen as above, and prohibit and discharge any disorders and abuses to be committed by the said two captains and other persons to be employed by them, as said is, in taking on the said seamen, but always to keep themselves within the bounds the law prescribes.

Seafield Correspondence (Scottish History Society), p. 363.

Edinburgh. 14th June, 1703.

For William Lorimer, Chamberlain to the Earl of Seafield at Cullen.

Affectionate Cousin,— . . . The government here are fitting out two men of war to cruise on our coast, which will be ready within twenty days, and these two will be thought sufficient to beat off the small privateers. Besides the English have promised to send down two men of war from London more. When these come or our own ships are ready, I shall timeously advertise you to put the victual aboard again. My Lord commends what you have done, and till the men of war be upon the coast the ships must stay, for better they be in Portsoy than Dunkirk.

I am

Your most affectionate cousin and servant,
JOHN PHILP.¹

¹ Private Secretary to the Earl of Seafield. See *Seafield Correspondence*, pp. 222-3.

Minutes of the Privy Council of Scotland.

Edinburgh. 3rd July, 1703.

Committee for Preparing Instructions to the Two Captains of Her Majesty's Frigates the Royal Mary and Dumbarton Castle.

His Grace her Majesty's High Commissioner and the Lords of her Majesty's Privy Council do hereby nominate and appoint the Marquis of Annandale, Lord President of Privy Council, the Duke of Argyll, the Earl of Eglintoun, Earl of Loudoun, Lord Boyle, Treasurer-Depute, and Mr. Francis Montgomery, with the Lord Advocate, to be a committee to prepare instructions for Captain Thomas Gordon, captain of her Majesty's frigate called the Royal Mary during the space formerly appointed for him to cruise, and appoint the same to be laid before the Council next Council day; and recommend to the said committee to meet Monday morning at ten of the clock in the forenoon; and declare any three a sufficient quorum.

Ibidem (résumé).

Edinburgh. 3rd July, 1703.

Petition to the Council by James Frogg, merchant in Edinburgh. He and his partners purchased from George Robertson of Newbigging, Steward depute of Orkney, 1000 bolls of bear,¹ Orkney measure, out of her Majesty's rents from these islands, and freighted ships under command of John Spence, skipper in Leith, and John Bosswell skipper in Burntisland for its conveyance in proper time, but the said skippers not sailing, they required them to do so in form of instrument, protesting for damages if they failed. But

¹ Bear or big, a species of Scots barley.

John Spence declared he would not be so liable as he was ready with a sufficient, able and skilful crew for his voyage when Captain Gordon, commander of one of H.M. ships had taken his whole crew, and declared that he had authority from their Lordships so to do ; and Spence declared that in such a case he must be free of his charter party. The petitioners represent that by the delay they have already sustained great damage by loss of markets and backwardness of the season, and crave that to prevent further the said crew may be delivered back to John Spence. The Lords find and declare that the said crew voluntarily engaged with Captain Gordon and therefore belong to him.

Ibidem.

Edinburgh. 13th July, 1703.

Recommendation to Her Majesty's Advocate anent the two Commissions to the Captains of Her Majesty's two Frigates.

His Grace her Majesty's High Commissioner and the Lords of her Majesty's Privy Council do hereby recommend to Sir James Steuart, her Majesty's Advocate, and appoint Sir Gilbert Elliot, one of their clerks, to wait upon his Lordship, and draw up two several commissions with the usual powers in the like cases, one for Captain Thomas Gordon, commander of her Majesty's frigate called the Royal Mary, and the other for Captain [Mathew] Campbell, commander of her Majesty's other frigate called the Dumbarton Castle, and recommend to the said Lord Advocate to bring in the same to the Council the next Council day with their sailing orders.

Ibidem.

Edinburgh. 15th July, 1703.

Committee for Adjusting the two Commissions and General and Particular Instructions to be Observed by the Captains of Her Majesty's two Frigates.

His Grace her Majesty's High Commissioner and the Lords of her Majesty's Privy Council do hereby nominate and appoint the Marquis of Annandale, Lord President of Privy Council, the Duke of Argyll, the Earls of Eglintoun and Loudoun, the Viscount Tarbat, Lord Secretary, the Lord Boyle,¹ Treasurer-Depute, and Mr. Francis Montgomery, with the Lord Advocate, to be a committee to adjust the two commissions for, and the general and particular instructions to be observed by the two captains of her Majesty's two frigates called the Royal Mary and Dumbarton Castle; and recommend to the said committee to meet the morrow at nine of the clock in the forenoon, and declare any two a quorum.

Ibidem.

The Abbey of Holyrood House. 16th July, 1703.

Commission² in Favour of Captain Thomas Gordon to be Commander of Her Majesty's Ship the Royal Mary.

Commission to Captain Thomas Gordon to be captain and commander of her Majesty's ship

¹ Appointed Treasurer-Depute in December, 1702, and created Earl of Glasgow in 1703.

² See also *State Papers (Scotland) Warrant Books*, vol. xix, No. 12, where the Commission is given dated 17th July, and *Hist. MSS. Commission*, Stirling- Home- Drummond-Moray papers, 1885, p. 185.

the Royal Mary voted and approven, whereof the tenor follows:—

ANNE, by the Grace of God, Queen of Scotland, England, France and Ireland, Defender of the faith, with advice and consent of the Lords of our Privy Council, do hereby constitute and appoint you, Captain Thomas Gordon, captain and commander of her Majesty's ship the Royal Mary, willing and requiring you forthwith to go on board of the said ship and take upon you the charge and command of captain in her accordingly; strictly charging and commanding all the officers, seamen and soldiers belonging to the said ship to behave themselves jointly and severally in their respective stations and employment with all due respect and obedience unto you their said captain; and you likewise to observe and execute as well the instructions herewith to you delivered by our Privy Council and attested by their clerk as what further orders and directions you shall from time to time receive from us or them or any other superior officers for our service. And we being now engaged in war with the French King and King of Spain and their adherents, we hereby give you further power and commission not only to defend against but attack these our enemies and with all your force to subdue and seize them and their ships and goods to be declared lawful prize; wherein you nor none of you are to fail, as you will answer the contrary at your peril; and for so doing these presents (being recorded in the books of our Privy Council and to continue till recalled) shall be your sufficient warrant. Given by warrant and under the signet of our

Privy Council at our palace of Holyrood House,
the sixteenth day of July, 1703.

(*Sic subscribitur*) QUEENSBERRY, Commr. ;
SEAFIELD, Cancellar. ;
ANNANDALE,¹
ATHOLL, P.S.,²
ARGYLL,
CRAFURD,
MAR,
MORTON,
LEVEN,
BOYLE.

Follow the instructions for the said captain for the
better executing of his commission:—

By her Majesty's High Commissioner and the
remanent Lords and others of her Majesty's
Privy Council, the instructions following are
given to Captain Thomas Gordon, commander
of her Majesty's ship called the Royal Mary in
prosecution and for better executing of his com-
mission, and to be by him punctually observed
upon his peril.

You are immediately to sail taking her
Majesty's ship the Dumbarton Castle in com-
pany with you the length of the Isles of Orkney,
where you are to let him part for the station
appointed to him.

You are to take under your convoy all vessels
bound to the northward and carefully see such of
them safe into their respective harbours so far as

¹ William, Earl of Annandale, was in June, 1701, created a
Marquess. He was in December, 1702, appointed President of
the Privy Council, and on 9th March, 1705, Joint Secretary of
State for Scotland.

² Privy Seal.

Orkney. Then you are to return and call along the coast for all vessels bound for the Firth,¹ and take all who are ready from place to place under your convoy.

If no vessels be ready to come out of harbours when you call, you are to cruise ten days between the Staples and the Islands of Zetland where your station is appointed to be, and call again for what ships are to come to the Firth, and take them under your convoy as above.

You are carefully from time to time to advise us of all that occurs during your cruise.

You are to defend yourself and all ships under your convoy against all her Majesty's enemies, whether French or Spaniards, and all others with whom her Majesty is at present engaged in war, who will presume to attack you, to the utmost of your power, and to endeavour by all your force to subdue them and make and bring them in as prize to be declared such.

You are also as you find occasion and yourself in condition to attack and set upon all her Majesty's said enemies, and endeavour by all your force to subdue them and seize their ships and goods.

You are also to search all ships going to or coming from France or Spain or any of the dominions belonging to the said kingdoms, and if you find them carrying contraband goods to any enemy's country to seize them their ships and whole goods and bring them in as prize.

You are to observe the time of your cruising and all other articles contained in your contract with the Lords of her Majesty's Treasury. Given at Holyrood House the sixteenth day of July, 1703.

¹ The Firth of Forth.

*Commission to David Prescio¹ to be Lieutenant
of her Majesty's Ship the Royal Mary.*

Commission to David Prescio to be lieutenant of her Majesty's ship the Royal Mary, read, voted and approven and subscribed by a quorum of the Council in manner underwritten, of the which commission the tenor follows :—

Anne, by the grace of God, Queen of Great Britain, France and Ireland, Defender of the faith, with advice and consent of the Lords of our Privy Council do hereby constitute and appoint you, David Prescio, lieutenant of her Majesty's ship called the Royal Mary, willing and requiring you to take upon you the charge and command of lieutenant under the captain of the said ship, strictly commanding and charging all the inferior officers, seamen and soldiers belonging to the said ship to behave themselves jointly and severally in their respective stations and employments, with all due respect and obedience unto you, their said lieutenant ; and you likewise to observe and execute, in absence of the captain, all orders and instructions that shall be immediately directed to you by our Privy Council, attested by their clerk from time to time, or any orders to be given you from us or your said captain or any other your superior officers for our service. And we being now engaged in war with the French King and King of Spain and their adherents, we hereby give you further power and commission not only to defend against but to attack these our enemies, and with all your force to subdue and seize them and their ships and goods to be declared lawful prize, wherein you nor none of you are to fail as

¹ Sometimes written 'Preshow' and 'Preschio.'

you will answer to the contrary at your peril. And for so doing these presents (being recorded in the books of our Privy Council and to continue till recalled) shall be your sufficient warrant. Given by warrant and under the signet of our Council, at our palace of Holyrood House, the sixteenth day of July, 1703.

(*Sic subscribitur*) QUEENSBERRY, Comr. ;
SEAFIELD, Cancellar. ;
ANNANDALE, P. ;
ATHOLL, P.S. ;
ARGYLL,
CRAFURD,
MAR,
LEVEN,
BOYLE.

There is also a warrant appointing James Midltoune to be master of the Royal Mary, in similar terms, and dated as the foregoing.

Ibidem.

The Abbey of Holyrood House. 16th July, 1703.

Commission¹ to Captain Mathew Campbell to be Captain of the Ship the Dumbarton² Castle.

Commission to Captain Mathew Campbell to be captain and commander of her Majesty's ship the Dumbarton Castle, read, voted and approven, and subscribed by a quorum of the Council in manner underwritten. Follows the said commission :—

ANNE, by the Grace of God, Queen of Scotland, England, France and Ireland, Defender of the

¹ See *State Papers (Scotland) Warrant Books*, vol. xix, No. 13, where the Commission is given dated 17th July, 1703.

² Also written 'Dumbartoun' and 'Dunbartoun.'

faith, with advice and consent of the Lords of our Privy Council, do hereby constitute and appoint you, Captain Mathew Campbell, captain and commander of her Majesty's ship the Dumbarton Castle, willing and requiring you forthwith [as in the previous commission to Captain Thomas Gordon]. . . .

Follow the instructions for the said Captain Campbell for the better executing the foresaid commission :—

By her Majesty's High Commissioner and the remanent Lords and others of her Majesty's Privy Council, the instructions following are given to Captain Mathew Campbell, commander of her Majesty's ship the Dumbarton Castle, in prosecution and for better executing of his commission and to be by him punctually observed upon his peril.

You are immediately to sail from the road of Leith with and in company of Captain Gordon to the Islands of Orkney.

When you part with him you are to make the best of your way for the western coast.

When you arrive there you are to cruise from the Sound of Mull in the Highlands to the Mull of Galloway, and from thence the length of Lambie Island,¹ near Dublin, and to take and have under your protection and convoy all vessels and ships belonging to her Majesty's subjects that shall fall in your way.

You are to defend yourself and ships under your convoy against all her Majesty's enemies whether French or Spaniards [as in the instructions to Captain Gordon].

At the end is added :—

You are carefully from time to time to advise

¹ Lambay Island.

us of all that occurs during your cruise. Given at Holyrood House, the sixteenth day of July, 1703 years.

There is also a warrant to Robert Russell to be master of the Dumbarton Castle, in terms similar to the previous warrant.

Ibidem.

Edinburgh. 4th August, 1703.

Act: Captain Mathew Campbell.

Anent the petition given in to her Majesty's Commissioner and the Lords of her Majesty's Privy Council by Captain Mathew Campbell, shewing that his Grace and the said Lords would be pleased to consider that the season of the year was far spent, and that by the petitioner's instructions from the said Lords the petitioner is obliged to keep company with Captain Gordon and the rest of the vessels the length of the Orkneys, and therefore humbly craving the said Lords would be pleased to alter the first two articles of his instructions by allowing the petitioner to make the best of his way for the west seas where he was appointed to cruise, and to take along with the petitioner what ships were going his way; as also that the said Lords would be pleased to give him a precept upon the commissaries for eleven pounds sterling, which the petitioner had paid since he came in for two top masts and two yards, in regard the old ones were useless and rotten, which could not be known while they carried sail, as the petition bears; his Grace, her Majesty's High Commissioner, and the Lords of her Majesty's Privy Council,

having considered the above petition given in to them by Captain Mathew Campbell, and the same being read in their presence, his Grace and the said Lords do hereby appoint the said Captain Mathew Campbell immediately to pursue his voyage from the road of Leith to the west seas, for the cruise formerly appointed him there, notwithstanding of any article of his former instructions to the contrary.

Ibidem.

Edinburgh. 20th September, 1703.

*Warrant anent the Laying up her Majesty's Two
Frigates the Royal Mary and Dumbarton
Castle.*

His Grace her Majesty's High Commissioner and the Lords of her Majesty's Privy Council do hereby declare the cruise of Captains Gordon and Campbell, commanders of her Majesty's two frigates, to be at an end, and appoint and ordain the said Captain Gordon, commander of her Majesty's frigate the Royal Mary, to carry the ship and frigate under his command to the harbour of Leith and there lay her up; and the said Captain Campbell, commander of her Majesty's frigate called the Dumbarton Castle, to carry the said ship and frigate under his command to the harbour of New Port Glasgow, there to be laid up till further orders of Council; and in the meantime recommend to the Lords Commissioners of her Majesty's Treasury to cause take special care and inventory of their stores and rigging, ammunition and provisions of the said two frigates.

State Papers (Scotland) Warrant Books, Vol. XIX, No. 59.

The Queen's Letter to the Lords Commissioners of Treasury ordering them to deliver to Captain Thomas Gordon the Ship the Royal Mary.

ANNE R.,—Right trusty and right well-beloved cousin and councillor. . . . we greet you well. Whereas we having taken into our royal consideration a proposal made by Captain Thomas Gordon, commander of our ship the Royal Mary belonging to that our ancient kingdom, for having the use of the said ship as she now is for a voyage to Italy, with salmonds, herrings and other goods of the product of that kingdom, he being at all charges for fitting her out for the said voyage, and to redeliver her for our use in or about the month of April next or sooner, if she shall perfect the said voyage: And considering that she may sustain more damage by being laid up this winter, as she is now ordered, than by making the said voyage, and that the voyage may be of great benefit to these of our subjects who shall be concern'd in it; wherefore it is our will and pleasure, and we do hereby authorise and require you to cause deliver to Captain Thomas Gordon our said ship the Royal Mary for the use aforesaid, with what masts, guns, sails and other rigging do now belong to her, he finding sufficient security for redelivering the said ship with all guns, masts, sails and other rigging so delivered to him some time on the month of April next (all hazards at sea excepted) so that she may be ready at that time for what service we shall think fit to employ her in. And lest any loss should happen to her at sea or from the enemy you are to oblige him to insure her against such

at his own charge for our benefit before her entry on the said voyage ; for doing whereof this shall be your warrant. And so we bid you heartily farewell. Given at our Court at St. James's the 6th day of November, 1703, and of our reign the second year—

By her Majesty's command,
QUEENSBERRY.

Ibidem, No. 96.

Commission to Captain John Ap-Rice to be Commander of the Ship Annandale.

ANNE R.—Anne by the grace of God Queen of Scotland, England, France and Ireland, Defender of the faith &c : to our trusty and well-beloved Captain John Ap-Rice, commander of the ship the Annandale of two hundred and twenty tons burden or thereby, mounted with twenty guns and a suitable number of small arms, and navigated by forty-eight seamen, or to any other commander of the said ship for the time being, greeting : Whereas we have thought it necessary for the honour and safety of this our ancient kingdom of Scotland and all other our dominions to declare war by sea and land against the French and Spanish Kings their subjects and allies, for redress (as much as in us lies) of those injuries and oppressions which our subjects have suffered from the French and Spanish Kings in several parts of the world, both in and out of Europe, we out of our princely care for the safety protection and further advancement of the East India trade wherein the honour and profit of all our dominions is so much concerned have thought fit to authorise and impower, and

accordingly do by these presents authorise and impower you to fight with and take by force of arms all such ships as you shall meet with, belonging to the French and Spanish Kings or any of their subjects or allies, and their goods and merchandise trading or being in any parts or places within the limits of the charter and letters patent granted by Act of Parliament to the Company of this our ancient kingdom trading to Africa and the Indies, or in any other place whatsoever on this side the Cape Bona Esperance, as also the ships and goods of any pirates of whatsoever nation that you may meet in your voyage: And if you happen to be outward bound at the time of such capture, you are to carry such French and Spanish ships with their loading to be tried in any Court of Admiralty in the East Indies; if homeward bound to be tried in our High Court Admiralty in Scotland: And we do hereby require you to keep an exact journal of your proceedings, and therein particularly to take notice of all prizes which shall be taken by you, the nature of such prizes, the time and place of their being taken, and the value of them as near as you can judge; of which and all other occurrences you shall from time to time send account to the Lord High Admiral or any executing the office of Lord High Admiral of our said kingdom of Scotland for the time. And we do further will and command you take care that all prizes taken by you in your voyage outward be brought to some place in the East Indies, where there is Court of Admiralty, together with the ships papers and three or four of the chief of the company of such ships who are to be produced before the Judge of the Admiralty, or such as shall be appointed by that

court to be sworn and examined upon such interrogatories as they shall produce to the discovery of the truth touching the interest or property of such ship vessel and goods taken. And you are to keep in safety such ships vessels and goods as shall be taken in your voyage outward or homeward, and not break bulk, sell, waste, spoil or diminish the same before judgment be first given in our Admiralty Court in Scotland or in the East Indies respectively, that the same are lawful prizes, or until some other court shall by a provisional order decree the same to be sold in the accustomed manner of prizes. And you are also to take care that the tenth part of all such vessels and goods as shall be taken and adjudged good and lawful prizes as aforesaid, being the right of the High Admiral of Scotland, be truly paid as we shall direct: In witness whereof we have caused our royal signet of our kingdom of Scotland to be affixed to these presents, together with the seal of our Admiralty. These given under our royal hand at our Court at St. James's the 3rd day of January, 1703-4, and of our reign the second year.

By her Majesty's command,
QUEENSBERRY.

Ibidem, No. 173.

Commission to Captain John Stewart, Commander of the Alexander Gally of Queensferry.

ANNE R.,—Anne by the grace of God, Queen of Scotland, England, France, and Ireland, Defender of the faith &c: To all and Sundry, Kings, Princes, Dukes, Governors of Republics, Admirals and Commanders of Navies, Magistrates of Burghs, Governors of Ports and Castles in friendship

and confederacy with us, greeting. Forasmuch as we considering that Captain John Stewart, commander of the ship the Alexander Gally of Queensferry, hath offered to serve us with the foresaid ship against the ships and goods belonging to the French King and Philip, King of Spain, and against all ships and goods of and belonging to any of the subjects or other inhabitants of the countries dominions and territories pertaining to the said French King and King of Spain ; and we being sufficiently informed of the loyalty courage and conduct of the said Captain John Stewart, know ye us to have nominated and appointed, likeas we by these presents nominate and appoint the said Captain John Stewart to be captain of the said good ship or frigate called the Alexander Gally of Queensferry of one hundred and fifty tons burden or thereabout, and carrying twenty pieces of ordnance, with all munition proportionable as a man-of-war commissioned in our actual service : Giving granting and committing to the Captain John Stewart full power, warrant, commission and charge to order and command the officers, soldiers and mariners of the said ship or frigate in all things belonging to the power and office of a captain or commander of a man-of-war, and to furnish the said ship or frigate with men, arms, victuals, artillery great and small and other warlike munitions and provisions, and therein and therewith to set forth and go to sea and to search for follow and pursue after as also to take and apprehend, and in case of resistance to fire, burn, sink and destroy the ships and goods of the said French King and King of Spain, and the ships and goods of their subjects or of the inhabitants of countries, dominions and territories of the

said French King and King of Spain ; as also to stay and arrest all other ships and vessels of whatsoever other kingdom or country nation or people conveying any goods or merchandise in them belonging to the said French King and King of Spain or to their subjects or to the inhabitants of the said dominions, and carrying any soldiers, horses, ships or vessels or any arms offensive or defensive or any ammunitions or provisions, naval stores or any other counterband goods or merchandise whatsoever, and to bring the said ships and goods so apprehended and arrested to any port or harbour within our kingdom of Scotland without breaking bulk or altering the property thereof, to be proceeded against and adjudged according to law in our High Court of Admiralty of our said kingdom or in such other court or courts as by particular and special warrant and commission shall be sufficiently authorised for doing the same ; and after such proceeding and adjudgment to be sold and disposed of as to right appertains : Providing always that out of such ships and vessels, and also out of all such goods, wares and merchandise whatsoever as shall be adjudged lawful prizes, there be paid to us or any having our warrant the just fifteenth thereof, or the customs as shall be required by our Lord High Treasurer or Commissioners of our Treasury, and the tenths to our Lord High Admiral or Commissioners of Admiralty or any having their warrant ; authorising you the said captain generally to do and perform all and every other thing that towards the execution of the whole premises is necessary and requisite, and what is in use to be allowed to ships of war having the like commissions from other admirals : Requesting

you and every one of you the said Kings, Princes, Dukes, Governors of Republics, Admirals, Commanders of Navies and Governors of Ports and Castles in friendship and confederacy with us to acknowledge the said captain and company of his said ship as our good and lawful subjects, authorised with this our warrant and commission ; and if the said captain shall come in to your or any of your harbours, bounds, coasts or territories with or without any prizes taken by him, that you furnish him with victuals and other necessaries upon his own reasonable expenses, and that ye defend from and resist all violence that shall be offered to him his company or equipage, or to their ships or goods, and show all other rites and offices of common friendship and alliance to us, intreating well the said captain and his company, as we shall on all occasions of that nature cause the like to be shown to you and your subjects ; ordaining these presents to continue during the whole time of the war betwixt us and the said French King and King of Spain, at least till the same be discharged and recalled by us : Given under our royal hand and signet at our Court at St. James's the 29th day of February, 1703-4, and of our reign the second year.

By her Majesty's command,
CROMERTIE.

Minutes of the Privy Council of Scotland.

Edinburgh. 14th March, 1704.

Recommendation to the Lieutenant-General to send a Detachment of Forces to the Two Men-of-War.

The Lords of her Majesty's Privy Council do hereby recommend to Lieutenant-General George

Ramsay, commander-in-chief of her Majesty's forces within this kingdom, to order such a number of the said forces to be shipped aboard the two ships and men-of-war called the Royal Mary and Dumbarton Castle, with officers to command them, as the Lords of her Majesty's Treasury shall appoint, and as near as may be the same forces and officers formerly employed for defending of the coasts against French privateers, when the said ships were last at sea.

Ibidem.

Edinburgh. 2nd May, 1704.

*Recommendation to the Lord High Chancellor to
Examine Captain Spence anent the Affront
done by him to her Majesty's Ship the Royal
Mary.*

The Lord High Chancellor having represented to the Council that there was a great affront offered to her Majesty's ship the Royal Mary commanded by Captain Gordon while she was lying in the road of Leith by one Captain Spence who, while coming up the Firth and passing by her Majesty's said ship, did not salute her, though he saluted an English man-of-war riding there, the Lords of her Majesty's Privy Council do hereby recommend to the Lord High Chancellor to call for and examine the said Captain Spence about the matter above represented, and to do therein as his Lordship shall think fit, or to call for any of the councillors in town and advise with them as he see cause.

Ibidem.

Edinburgh. 15th May, 1704.

Warrant for Committing the Captain and Lieutenant of the French Ship taken by Captain Gordon Prisoners in Edinburgh Tolbooth, and ordaining the said Captain Gordon to bring ashore the Crew and commit them Prisoners to the Tolbooths of Leith and Canongate.

The Lord High Chancellor having represented to the Council that Captain Gordon, commander of her Majesty's frigate the Royal Mary, had taken a French frigate and brought her up to the road of Leith where she with her crew are at present lying, the said Lords of her Majesty's Privy Council do hereby appoint and ordain the captain and lieutenant of the said French ship taken by the said Captain Gordon to be committed prisoners to the tolbooth of Edinburgh, therein to remain till further orders; and give order and warrant to the magistrates of Edinburgh and keeper of their tolbooth to receive them prisoners and detain them therein; and also give order and warrant, and command and ordain the said Captain Gordon to bring the crew of the said French ship ashore and the one half thereof to commit prisoners to the tolbooth of Leith, and the other half prisoners in the tolbooth of Canongate, and for that effect give order and warrant to the magistrates of Leith and Canongate and keepers of their tolbooth to receive the prisoners and to keep, hold and detain them in their respective tolbooths till further orders of Council thereanent; and command and ordain the commandant for the time at Leith to provide and furnish a sufficient guard for transporting

the crew to the respective tolbooths above-mentioned, and appoint and ordain each one of the said crew to have three shillings Scots¹ a day paid for their subsistence; and for that effect, recommend to the Lords Commissioners of her Majesty's Treasury to see the same effectually paid.

Ibidem.

Edinburgh. 6th June, 1704.

Recommendation to the Treasury for continuing the Cruise two months.

The Lords of her Majesty's Privy Council do hereby recommend to the Lords Commissioners of her Majesty's Treasury to continue the cruise of the two Scots frigates for two months longer.

Recommendation to the Treasury anent the French Privateer.

The Lords of her Majesty's Privy Council do hereby recommend to the Lords Commissioners of her Majesty's Treasury to cause pay to the captain of the French privateer the sum of ten shillings Scots daily, and to the lieutenant and mate each of them six shillings money foresaid, for their subsistence while in prison.

Ibidem.

Edinburgh. 13th June, 1704.

Recommendation to the Chancellor to write to the Secretary of State anent the French Prisoners being exchanged with Scots.

The Lords of her Majesty's Privy Council do hereby recommend to the Lord High Chancellor

¹ 3 pence sterling.

to write to the Secretary of State for this kingdom, that it may be laid before her Majesty to give orders to the commissioners of exchange of French prisoners, that the prisoners taken aboard of the French privateer by Captain Gordon may be exchanged with Scots men taken aboard of Scots vessels, now prisoners in France ; and, in the first place, with the eight or ten Scots prisoners lying and detained at Dumant taken aboard of a Scots ship, and then with such Scots prisoners as have been taken up in the English service or aboard of English vessels, and that the exchange of prisoners may be made accordingly.

Ibidem.

Holyrood House. 20th July, 1704.

Recommendation to the Lord Advocate to call for and examine Skipper Rate his crew, and anent Passengers come to Scotland in Prescio's Ship.

His Grace her Majesty's High Commissioner and Lords of her Majesty's Privy Council do hereby recommend to Sir James Steuart, her Majesty's Advocate, to call for and examine Skipper Rate in Borrowstouness and his crew anent the mate of the ship belonging to Captain Prescio which Captain Gordon, captain of her Majesty's frigate the Royal Mary, commanded before he got her Majesty's said frigate, and what passengers or other persons the said mate brought to Scotland with him ; as also to call for the said mate himself, and to inquire at him as aforesaid what persons he brought from Holland and landed in any part within this kingdom.

Ibidem.

Holyrood House. 7th August, 1704.

*Warrant anent the Prisoners on Board the
Dunkirk Privateer.*

His Grace her Majesty's High Commissioner and Lords of her Majesty's Privy Council do hereby give order and warrant, and command and ordain Captain Thomas Gordon, commander of her Majesty's ship the Royal Mary, instantly to set ashore under a sufficient guard the captain, lieutenant, mate and whole sailors of the Dunkirk privateer¹ taken by the said Captain Gordon, and now lying in the road of Leith; and give order to the commandant at Leith to furnish a sufficient guard for bringing them ashore; and appoint the officers of the said privateer to be sent under a safe guard to the tolbooth of Edinburgh, and the one half of the seamen to be sent under a guard, as said is, to the tolbooth of Leith, and the other half to the tolbooth of Canongate²; and give order and warrant to the magistrates of Edinburgh, Leith and Canongate respective, keepers of their tolbooths, to receive them prisoners in their said tolbooths and detain them therein till further orders of Council: And recommend to the Lords of Treasury to grant such allowance for the sustenance of the seamen and officers of the said privateer during the time they are prisoners, as was allowed to the prisoners taken aboard the other privateer formerly taken by the said Captain Gordon.

¹ The Marmedon of Dunkirk.

² Also written Cannongate.

Recommendation to his Grace the Lord High Commissioner the Lords Chancellor and Secretary to write to Court anent the French Prisoners.

His Grace her Majesty's High Commissioner and Lords of her Majesty's Privy Council do hereby recommend to the Lord Commissioner¹ his Grace the Lord High Chancellor² and Secretary³ to write to Court in name of the Board anent the French prisoners taken by Captain Gordon, that it may please her Majesty to order the said prisoners to be received at Newcastle, and detained there till a convenient occasion of exchanging them with British prisoners, or otherwise to order a ship to come to the road of Leith and receive them there, to be transported and exchanged as said is.

Warrant to the Clerks of Council to deliver up the Commission and Instructions of the French Privateers to the Clerks of Admiralty upon Receipt.

His Grace her Majesty's High Commissioner and Lords of her Majesty's Privy Council do hereby give order and warrant to their clerks to deliver up to the Clerk of Admiralty⁴ the commission and other instructions of the privateer called the *Marmedon* of Dunkirk upon his receipt of the same.

¹ John, Marquess of Tweeddale.

² The Earl of Seafield.

³ The Earl of Cromartie.

⁴ Daniel Hamilton, writer in Edinburgh, appointed on 21st October, 1702, by Charles, Duke of Lennox and Richmond, and confirmed by royal warrant 5th February, 1705.—S.P. (Scotland), *Warrant Books*, vol. xx.

Seafield Correspondence (Scottish History Society), p. 379.

Windsor. 12th August, 1704.

For the Earl of Seafield.

My Lord,— . . . I have given a memorial to Sir Charles Hedges¹ concerning the French prisoners, and I doubt not but so soon as he is well, for he is a little indisposed at present, they will order all the prisoners taken by our frigates to be received at Newcastle, and to be exchanged with our men, as they fall in course, according to the time of their being taken . . .

AL. WEDDERBURN.²

The Acts of the Parliaments of Scotland, Vol. XI, pp. 195-6.

25th August, 1704.

Account of the Admiralty.

The accounts of the Admiralty read, whereof and of the observations thereon the tenors follow :—

THE ACCOUNTS OF THE ADMIRALTY GIVEN IN BY
HUGH CUNNINGHAM.

Charge upon the Admiralty.

	£	s.	d.
1. By cash received out of the Pole money and otherwise, two hundred and thirty-seven thousand five hundred and fifty - eight pounds, nine pennies	237,558	0	9

¹ Judge of the Admiralty Court, London, appointed 28th May, 1689.—*Admiralty 3, No. 1 Minutes*, P.R.O.

² Appointed on 10th June, 1704, to officiate as Under Secretary in the absence of the Secretary of State. Appointed Deputy Secretary of State for Scotland on 25th October, 1704.—*State Papers (Scotland) Warrant Books*, vol. xx.

	£	s.	d.
2. From Sir Andrew Myretoun per the Treasury's precept in Sir George Hamilton's account. Forty-eight thousand pounds	48,000	0	0
	<hr/>		
	£285,558	0	9
	<hr/>		

Discharge.

1. For providing ships of war and maintaining the same with other necessaries thereto be- longing—two hundred and seventy-three thousand five hundred and fifty - eight pounds, nine pennies . . .	273,558	0	9
2. Given to Sir Andrew Myretoun twelve thousand pounds . . .	12,000	0	0
	<hr/>		
	£285,558	0	9
	<hr/>		

OBSERVATIONS ON THE ACCOUNTS OF THE
ADMIRALTY.

1. That the first article had been considered by a particular account, and found fully instructed and applied for the uses of the Admiralty.

2 That the twelve thousand pounds mentioned in the discharge as given to Sir Andrew Myretoun, he retained the same for advancing thirty-six thousand pounds of the Treasury's precept mentioned in the charge.

3. That considerable arrears are owing to the seamen, amounting to the sum of eighty-four thousand pounds or thereby. Upon reading

whereof the first observation sustained, the second observation remitted to the Commission to inquire thereanent and to report.

Minutes of the Privy Council of Scotland.

Holyrood House. 30th August, 1704.

Recommendation to the Treasury to agree with a Ship to carry the French Prisoners to Newcastle.

His Grace her Majesty's High Commissioner and the Lords of her Majesty's Privy Council do hereby recommend to the Lords Commissioners of her Majesty's Treasury to agree with a ship to go from Leith to Newcastle, and carry on board thereof and deliver at the said port the French prisoners lying in the tolbooths of Edinburgh, Canongate and Leith, with Peter Dalaloun, Frenchman, now prisoner in the tolbooth of Edinburgh; and appoint and ordain Captain Gordon, commander of her Majesty's frigate the Royal Mary, to go and convoy the said ship from Leith to Newcastle, and to bring her with what Scots ships are lying there under his convoy back again to Leith.

Ibidem.

Edinburgh. 4th September, 1704.

Recommendation to the General to send ten Sentinels and one Sergeant aboard Archibald Drummond's Ship for Carrying and Securing the French Prisoners to Newcastle.

The Lords of her Majesty's Privy Council do hereby recommend to Lieutenant-General George Ramsay, commander-in-chief of her

Majesty's forces within this kingdom, to order between and the eighth day of September instant ten sentinels and one sergeant aboard of Archibald Drummond's ship, that is hired to carry the French prisoners from Leith to Newcastle, and that for securing the prisoners in the night time for preventing their running away with the said ship.

Warrant anent Transporting the French Prisoners to Newcastle.

The Lords of her Majesty's Privy Council do hereby appoint and ordain the whole French prisoners that are lying in the tolbooths of Edinburgh, Canongate and Leith (except Jacobus Soetenay and Gerard Druive and Jacob Strobbe, his two men, who are appointed to continue in prison) to be shipped aboard of Archibald Drummond his ship lying at Leith to be by him carried to Newcastle; and for that effect appoint and ordain the magistrates of Edinburgh, Canongate and Leith and keepers of their tolbooths to deliver the persons of the whole French prisoners in their custody and tolbooths (except the said Jacobus Soetenay, and Gerard Druive and Jacob Strobbe, his said two men) to a party duly commanded to be sent by the Lieutenant-General to receive them off their hands and put them aboard of the said ship, and that without payment of any house dues; and to the effect foresaid recommend to Lieutenant-General George Ramsay, commander-in-chief of her Majesty's forces, to send upon the eighth day of September instant at eight of the clock in the morning to the respective tolbooths of Edinburgh, Canongate and Leith a sufficient and competent number of men duly commanded

to receive from the said magistrates and keepers of their tolbooths the persons of the whole French prisoners in their custody (except the said captain and his said two men), and carry them to Leith and ship them aboard of Archibald Drummond's ship to be transported to Newcastle, as said is.

Ibidem.

Edinburgh. 4th September, 1704.

Orders to Captain Gordon to sail to Newcastle.

The Lords of her Majesty's Privy Council do hereby command and ordain Captain Thomas Gordon, commander of her Majesty's frigate the Royal Mary, to sail the eighth day of September instant, wind and weather serving, from Leith to Newcastle, and to receive under his convoy the ship belonging to Archibald Drummond, hired by the Lords Commissioners of her Majesty's Treasury for transporting and carrying the French prisoners for present in the tolbooth of Edinburgh, Canongate and Leith, and there and at the said port to deliver the said prisoners to any person or persons having her Majesty's warrant for receiving of them; and upon the said Captain Gordon's arrival there the said Lords do hereby appoint and ordain him to intimate these his orders to the mayor and aldermen of Newcastle or any others having warrant and order for receiving the said prisoners: And the said Lords appoint and ordain the said Captain Gordon to return from Newcastle to Leith, and to bring under his convoy such Scotch ships as are homeward bound there.

Ibidem.

Edinburgh. 5th September, 1704.

Warrant for the Captain of the French Privateer last taken by Captain Gordon to transport himself with the rest of the French Prisoners to Newcastle.

The Lords of her Majesty's Privy Council appoint and ordain Peter Aggatt, captain of the French privateer last taken by Captain Gordon, to be shipped aboard of Archibald Drummond's ship and carried with the rest of the French prisoners to Newcastle upon his giving sufficient security under the penalty of one thousand pounds Scots that James Hyndeshaw, son to Gilbert Hyndeshaw, one of the keepers of Edinburgh tolbooth, now prisoner in Brest, shall be set at liberty and have a sufficient and valid pass with free liberty to him to return to Scotland without trouble or molestation; and upon the said captain his giving security, as said is, give order and warrant to the keepers of the tolbooth of Edinburgh, to deliver him to any having warrant from Lieutenant-General Ramsay to receive the French prisoners and put them aboard, as said is, and if he fails recall the former order appointing him to be shipped aboard and carried to Newcastle in respect of the premises.

State Papers, Domestic, Naval (Entry Book), P.R.O.

Admiralty Office. 14th September, 1704.

Rt. Honourable,—We have received your letter of yesterday's date, and according to your desire therein send you enclosed a copy of the instructions which are given to the commanders

of all her Majesty's ships for their government in making the ships of foreign princes or states strike in her Majesty's seas, and we are to acquaint you that we do not know of any precedents of English men-of-war meeting with Scots men-of-war at sea.

We are Rt. Honourable,
Your most humble servants,
D. MITCHELL,
GEO. CHURCHILL,
J. BRYDGE.

Mr. Secretary Hedges.

State Papers (Scotland) Warrant Books, Vol. XX.

Her Majesty's Commission to , *Captain of the Ship the Nonsuch.*

ANNE R.—Anne by the grace of God Queen of Scotland, England, France and Ireland, Defender of the faith &c: To all and sundry Kings, Princes, Dukes . . . [same as in commission to Captain John Stewart, commander of the Alexander Gally of Queensferry at p. 280] . . . to be captain of the said ship Nonsuch of thirty tons burden or thereabouts and carrying six pieces of ordnance . . . [as at pp. 281–2]: And particularly you are hereby enjoined and required to keep an exact journal of your proceedings, and therein to take notice of all prizes which shall be taken by you, the nature of such prizes with the time and place of their being taken and the value of them as near as you can judge, as also of the station, motion and strength of the enemy as well as you can discover by the best intelligence you can get: Of all which you are from time to time to transmit an account to our

Privy Council of our said kingdom or their clerks, and to keep a correspondence with them by all opportunities that shall present: Requesting you and everyone of you &c. [as at p. 283]. Given under our royal hand and signet at our Court at St. James's the 5th day of January 1704-5 and of our reign the third year.

By her Majesty's command,
ROXBURGHE.¹

Ibidem.

The Queen's Letter to the Council recommending to them to give Proper Instructions to the Captain of the Nonsuch.

ANNE R.—Right trusty and right well-beloved cousin and counsellor . . . we greet you well. Whereas we have granted commission to Captain commander of the ship Nonsuch, to fit out to sea in warlike manner his said ship, and to take and apprehend the ships and goods belonging to the French and Spanish Kings now at war with us, and the ships and goods of their subjects and inhabitants in their dominions and territories; we therefore recommend to you to give the said Captain such instructions of behaviour in the execution of this our commission as are usual and proper in such cases; and that you cause him give security for his faithful observance of the same accordingly: So we bid you heartily farewell. Given at our Court

¹ John, Earl of Roxburghe, was appointed Joint Secretary of State for Scotland along with the Earl of Seafield on 17th October, 1704.—*State Papers (Scotland) Warrant Books*, vol. xx, pp. 40 and 48.

at St. James's the 5th day of January, 1704-5,
and of our reign the 3rd year.

By her Majesty's command,
ROXBURGHE.

Historical MSS. Commission, Seafield MSS., Fourteenth Report,
App. III, p. 220.¹

*M. Van Vrijberge, Dutch Ambassador at the English
Court, to Queen Anne.*

That he had received instructions to request from her Majesty the release of the vessel named the Catherine,² belonging to James Meyers merchant at Rotterdam. It had been returning from the Canaries laden with wine, and though furnished with a passport of 'LL. HH. PP.' was seized towards the end of August last by Captain Gordon and taken to Scotland. He will not repeat the reasons urged on behalf of the owner, but he cannot refrain from pointing out that the procedure of her Majesty's subjects in Scotland seemed very rude, to pretend to maintain free trade with both the enemies and the allies of her Majesty, and yet to seize this ship under safe conduct. He therefore begs her Majesty to order the release of the Catherine forthwith.

London. 17-28th January, 1705.

Minutes of the Privy Council of Scotland.

Edinburgh. 20th February, 1705.

Instructions to Captain Campbell.

By the Lords of her Majesty's most honourable Privy Council, the instructions following are given to Captain Mathew Campbell, commander

¹ See also *State Papers (Scotland) Warrant Books*, vol. xx, pp. 216-7.

² Sometimes written 'Katherine.'

of her Majesty's ship the Dumbarton Castle in prosecution and for better executing his commission, and to be by him punctually observed upon his peril.

1. You are to be in readiness and sail from New Port, Glasgow, to the mouth of Clyde against the tenth day of March next to come, wind and weather serving.

2. And from thence you are to cruise between the Isle of Tarrie¹ and the Mull of Galloway, and from that the length of Lambie Island near Dublin, and to take and have under your protection and convoy all vessels and ships belonging to her Majesty's subjects that shall fall in your way in that cruise, and conduct them safely to their respective ports.

3. You are to defend yourself and ships under your convoy against all her Majesty's enemies, whether French or Spaniards, and all others with whom her Majesty is at present engaged in war, who shall presume to attack you, to the utmost of your power, and to endeavour by all your force to subdue them, and bring them in as prize and to be declared such.

4. You are also, as you find occasion and yourself in condition, to attack and set upon all her Majesty's enemies, and endeavour by all your force to subdue them and seize their ships and goods.

5. You are also to search all ships going to or coming from France and Spain or any of the dominions belonging to the said kingdoms, and if

¹ Probably Tory Island off the north of Donegal.

you find them carrying contraband goods to any enemies' countries, to seize them, their ships and whole goods, and bring them in as prize.

6. You are to observe the time of your cruising and all other articles contained in your contract with the Lords of her Majesty's Treasury.

7. You are carefully from time to time to advise us of all that occurs during your cruise. Given at Edinburgh the twentieth day of February, 1705 years. (*Sic subscribitur*)

TWEEDDALE,¹ Cancel., I.P.D.

Warrant to the General to send a Party of Soldiers aboard the Dumbarton Castle.

The Lords of her Majesty's Privy Council do hereby recommend to Lieutenant-General George Ramsay, commander-in-chief of her Majesty's forces within this kingdom, to order such a number of the said forces, duly commanded, to repair to New Port Glasgow, there to be shipped aboard her Majesty's ship and man-of-war the Dumbarton Castle between and the eighth day of March next, as the Lords of her Majesty's Treasury shall appoint, and as near as may be the same forces and officers formerly aboard the said ship for defending the coasts against French privateers, when the said ship was last at sea.

¹ When Seafeld was appointed on 17th October, 1704, Joint Secretary, Tweeddale succeeded to the Chancellorship. Seafeld was re-appointed Lord High Chancellor on 10th March, 1705.—*State Papers (Scotland) Warrant Books*, vol. xx, p. 193.

Ibidem.

Edinburgh. 8th March, 1705.

*By the Lords of her Majesty's most honourable
Privy Council of Scotland.*

The instructions following are given to Captain Thomas Gordon commander of her Majesty's ship the Royal Mary, in prosecution and for better executing of his commission, and to be by him punctually observed upon his peril :—

1. You are immediately to sail to the northward, take under your convoy all vessels bound that way, and carefully see each of them safely into their respective harbours so far as Orkney. Then you are to return and call along the coast for all vessels bound to the Firth.

2. If no vessels be ready to come out of harbours when you call, you are to cruise ten days between Tynemouth¹ Bar and Orkney, and call at Tynemouth what vessels may be there bound to the Firth, whom you are carefully to see within the Island of May. Then you are to return to the northward as far as Orkney, and bring along with you all vessels who are ready.

3. At any time when you come to Leith road, if there be any ships bound to London, you are carefully to see them the length of Tynemouth Bar, and bring from thence all ships as you are appointed above, all which you are to observe during the time the ship is kept in pay.

4. You are carefully from time to time to advise us of all that occurs during your cruise.

¹ Usually written 'Tinmouth.'

5. You are to defend yourself and all ships under your convoy against all her Majesty's enemies, whether French or Spanish and all others with whom her Majesty is at present engaged in war, who shall presume to attack you, to the utmost of your power, and to endeavour by all your force to subdue them and make and bring them in as prize to be declared such.

6. You are also, as you find occasion and yourself in condition, to attack and set upon all her Majesty's said enemies, and endeavour by all your force to subdue them and seize their ships and goods.

7. You are also to search all ships going to or coming from France or Spain or any of the dominions belonging to the said kingdoms, and if you find them carrying goods to any enemy's country, to seize them, their ships and whole goods, and bring them in as prize.

8. If you find any of our allies who are now in war with France and Spain trading to any of these kingdoms, isles or dominions thereto belonging, you are to seize them and bring them in as prize.

9. You are to keep exact journals of all that occurs during your cruise and to observe the time of your cruising, and all other articles contained in your contract with the Lords of her Majesty's Treasury. Given at Edinburgh, the eighth day of March, 1705 years. (*Sic subscribitur*)

TWEEDDALE, Cancellor, I.P.D.

Ibidem.

Edinburgh. 8th March, 1705.

*Recommendation to General Ramsay to send
Forces aboard the Royal Mary.*

The Lords of her Majesty's Privy Council do hereby recommend to Lieutenant-General George Ramsay, commander-in-chief of her Majesty's forces within this kingdom, to order the same officer, two sergeants, three corporals and one drum and thirty-three soldiers, all the same as near as possible that were on board her Majesty's ship the Royal Mary the last year, to repair to Leith upon the 13th of March instant, and there to be shipped aboard the said ship and man-of-war the Royal Mary, Captain Thomas Gordon, commander, there to continue during his cruise.

Ibidem (résumé).

Edinburgh. 12th March, 1705.

Complaint in a letter by the Council to the Secretary of State of the conduct of the commander, Captain Hews, of H.M.S. the Winchester, calling at the Forth to embark recruits for Holland, and forcibly stopping and searching Scottish ships lying there, firing at them if they refused to comply with his demands. The complaints of the skippers are enclosed. On being sent for, the captain persistently refused to wait on the Council, but sent his lieutenant, whom the Council retained for a time; but on the captain declaring he would sail without the recruits the Council sent him and some of the crew back and let him go.

Ibidem.

Edinburgh. 28th March, 1705.

Recommendation to write to Captain Campbell.

The Lord High Chancellor ¹ having received a letter from Captain Mathew Campbell, commander of her Majesty's ship the Dumbarton Castle, and the same being by his Lordship communicated to the Board and read in their presence, the said Lords do hereby recommend to the Lord High Chancellor (in his Lordship's return ² to the foresaid letter) to appoint him to pursue his cruise, conform to his instructions given to him by the said Lords of her Majesty's Privy Council, how soon he hath brought up the ship mentioned in his letter to New Port, Glasgow ; as also to appoint the said Captain Campbell to send in to the Lord High Chancellor to be communicated to the Board a full information of the grounds he hath for bringing up the said ship and of the documents aboard her for seizing thereof.

State Papers (Scotland) Warrant Books, Vol. XX.

The Queen's Letter to the Lords Commissioners of Treasury ordering the Ship Katherine of Rotterdam to be restored or her value, and concerning Dutch ships to be seized.

ANNE R.—Right trusty . . . we greet you well : Whereas, for maintaining the good understanding that is between us and our allies the States General of the United Provinces, we have mutually agreed that there be no seizure or confiscation made

¹ The Earl of Seafield.

² Answer.

of any ships of each nation trading to France and Spain or their dominions notwithstanding of the present war, such ships having passes for that end from their respective sovereigns, and have also agreed that such ships as are already taken on either side be restored; and understanding that there was brought into that our kingdom by Captain Thomas Gordon the ship Katherine of Rotterdam Captain commander, and condemned as lawful prize in our Court of Admiralty there, and which ship had the said States their pass—we therefore authorise and require you to cause return to the said Captain and his owners the value of the said ship Katherine and cargo: And you are to make known to our subjects of that our kingdom that all such as have suffered by such confiscations there, that they are to have the like favour of our allies the States, and shall have our royal protection and assistance in their claim of repetition from them. So we bid you heartily farewell. Given at Court at St. James's the 7th day of April, 1705, and of our reign the 4th year.

By her Majesty's command,
AL. WEDDERBURN.

Seafield Correspondence (Scottish History Society), p. 391.

London. 12th April, 1705.

For the Earl of Seafield.

My Lord,—. . . It was not my fault that the opinion of the Privy Council was not waited for, before orders were given for restoring the Dutch prize, but that being over the next thing necessary

in that matter seems to be the concerting speedily what passports will be sufficient for securing our ships, or reclaiming them if they shall be taken into Holland. . . .

AL. WEDDERBURN.

Ibidem, pp. 407-8.

May it please Your Lordships,¹— . . . This is to advise you that in my station on the twenty-fifth of this instant off Cape Kintyre about three in the morning I espyed a sail, and after a chase from that time till nine of the clock at night I came up with her and found her a French privateer, and after some small conflict she surrendered, having killed his lieutenant and wounded several of his men. She is a privateer of eight guns, sixty-two men—nothing else on board but some few provisions and two ransomers, one for the Dublin packet boat, and the other for a Greenock barque. Having come in here with the prize and prisoners, I have sent this express to your Lordships to know what further is to be done with the prize and prisoners. If they are to be sent to Glasgow they can be securely sent there by the men I have on board, I mean the prisoners. There is a necessity for haleing my ship ashore to be cleaned, but I shall make all the dispatch I can to be ready to wait your Lordship orders. I am at a considerable charge in maintaining the prisoners, which I persuade myself your Lordships will have regard to.

I am . . .

MATHEW CAMPBELL.

Greenock Road, on board the Dumbarton.
28th May, 1705.

¹ The Scots Privy Council.

Minutes of the Privy Council of Scotland.

Holyrood House. 30th May, 1705.

Recommendation to the Commissioner¹ to write to the Queen anent French Prisoners.

The Lord High Commissioner having produced to the Board a letter directed to his Grace from Captain Mathew Campbell, commander of her Majesty's ship the Dumbarton Castle, giving an account that the said captain had taken off the Cape of Kintyre a French privateer consisting of eight guns and sixty-two men aboard her, and the same being read, the Lords of her Majesty's Privy Council do hereby recommend to his Grace her Majesty's High Commissioner to lay the same before her Majesty, that her Majesty in her royal wisdom may give further directions how the prisoners shall be disposed of, and whether the said prisoners shall be sent to or allowed to go into England, and in that case that her Majesty may give orders to receive them, or that the said prisoners may be set at liberty for returning to France with their first convenience.

Warrant to Captain Campbell to transmit the French Prisoners to Glasgow Tolbooth.

His Grace her Majesty's High Commissioner and Lords of her Majesty's Privy Council appoint and ordain Captain Mathew Campbell, commander of her Majesty's ship the Dumbarton Castle, to conduct and carry the crew of the French privateer taken by him prisoners safely to Glasgow, and deliver them to the magistrates

¹ John, Duke of Argyll.

of the said burgh to be by them detained prisoners in their tolbooth till further orders, and to transmit to the Council the documents and instructions aboard the said ship for declaring her prize.

Warrant to the Magistrates of Glasgow to receive and Aliment the French Prisoners.

His Grace her Majesty's High Commissioner and Lords of her Majesty's Privy Council do hereby appoint and ordain the magistrates of Glasgow to receive from Captain Mathew Campbell, commander of her Majesty's ship the Dumbarton Castle, the crew of the French privateer lately taken by the said captain, and to keep and detain them in sure firmance till further orders of Council thereanent, and to maintain and aliment them as follows, viz., the captain at ten shillings Scots a day, the mate at six shillings Scots a day, and each of the rest of the crew at four shillings Scots a day, and recommend to the Lords Commissioners of her Majesty's Treasury to cause repayment thereof to be made to the said magistrates accordingly.

Ibidem.

Holyrood House. 30th May, 1705.

Warrant to continue the Cruise of the two Frigates.

His Grace her Majesty's High Commissioner and Lords of her Majesty's Privy Council do hereby recommend to the Lords Commissioners of her Majesty's Treasury to continue the cruise of her Majesty's two frigates the Royal Mary and the Dumbarton Castle, commanded by Captain Thomas Gordon and Captain Mathew

Campbell, till the tenth day of July next to come, with and under the instructions formerly given to them.

Ibidem.

Holyrood House. 12th June, 1705.

Warrant to the Magistrates of Glasgow to liberate the Captain of a French Privateer from Prison.

His Grace her Majesty's High Commissioner and the Lords of her Majesty's Privy Council do hereby give order and warrant to the magistrates of Glasgow to set the captain of the French privateer lately taken by Captain Mathew Campbell at liberty forth of their tolbooth, with liberty to him to go up and down the said town of Glasgow and two miles round the same, upon his giving his parole of honour that he shall keep and not exceed the bounds of his said confinement till further orders of Council thereanent.

Ibidem.

Holyrood House. 19th June, 1705.

Act dismissing the French Prisoners.

Anent the petition given in and presented to his Grace John Duke of Argyll, her Majesty's High Commissioner, and remanent Lords of her Majesty's Privy Council by the magistrates and merchants of the town of Aberdeen, shewing that where three ships belonging to the town of Aberdeen had lately unfortunately happened to be seized by the French and Ostenders in their voyage homeward bound from Campheir¹ to

¹ See note at p. 105.

Scotland, and seeing that Captain Gordon and Captain Campbell, commanders of two of her Majesty's ships, have also each of them seized a French or Ostender privateer, and that the good treatment of the Scots men taken doth depend upon what treatment the French or Ostenders meet with here, and that the detaining the Scots long in France may contribute very much to the hindrance of our trade and the detaining of the seamen, whereas the setting of the French at liberty upon their enacting themselves to procure the same favour to Scots prisoners and giving a declaration under their hands of their good treatment here may procure the same favour to those seized in the ships belonging to the said town of Aberdeen, and therefore craving to the effect aftermentioned, as the said petition bears, his Grace her Majesty's High Commissioner and Lords of her Majesty's Privy Council, having considered the petition given in to them by the magistrates and merchants of the town of Aberdeen, and the same being read in their presence, his Grace and the said Lords do hereby appoint and ordain the prisoners taken aboard the Ostend privateer commanded by Jean Sable, captain, and taken by Captain Thomas Gordon, commander of the Royal Mary, to be instantly dismissed and set at liberty, upon the said captain and prisoners their giving a declaration subscribed under their hand that they were taken aboard the said Ostend privateer and were instantly dismissed, as said is, in expectation that the subjects of this kingdom who are or shall be taken prisoners in France or the Spanish Netherlands shall be used and treated in the like manner.

Seafield Correspondence (Scottish History Society), p. 412.

For the Earl of Seafield Lord Chancellor.

My Lord,—. . . I shall observe what your Lordship directs concerning the French prisoners taken by Captain Campbell, and by next post shall, I hope, receive her Majesty's commands and transmit them to your Lordship. . . .

DAVID NAIRNE.¹

Whitehall. 19th June, 1705.

Ibidem, pp. 412-3.

For the Earl of Seafield Lord Chancellor.

My Lord,—I told your Lordship in my last that I should by this day receive her Majesty's commands concerning the French prisoners taken by Captain Campbell, and accordingly I went to Windsor for that end, and am just returned. She was pleased to ask me if any such case had occurred before. I told her Majesty that there had, when I had the honour formerly to serve,² and that then I was commanded to attend the Secretary of State here and the Commissioners of transportation, who took the same method of exchanging as with those taken and brought to any remote part of England or in Ireland; and thus her Majesty has ordered me to

¹ Sir David Nairne was appointed Under Secretary of State for Scotland early in 1703. He was superseded on 10th June, 1704. On 2nd May, 1705, he was appointed Secretary-Depute.—*State Papers (Scotland) Warrant Books*, vol. xxi.

² On 10th June, 1704, a warrant was issued to Al. Wedderburn, on the narrative that the Queen had laid aside Sir David Nairne, to officiate as Under Secretary in the absence of the Secretary of State for Scotland.—*State Papers (Scotland) Warrant Books*, vol. xx.

apply again, which I shall do the morrow, and I doubt not but they will do as they did before. In the meantime I believe they will expect a more particular account, for your Lordship neither tells the number nor the several station or ranks, which I remembre your Lordship did formerly, and it was demanded by the Commissioners of transportation. As for the expense of keeping them, my Lord Treasurer¹ was pleased to tell me that those who were exchanged for them were to balance it, but whether the sum will be so considerable as to oblige anybody to solicit for it I know not. . . .

DAVID NAIRNE.

Whitehall. 21st June, 1705.

Ibidem, p. 414.

For the Earl of Seafield Lord Chancellor.

My Lord,— . . . Sir Charles Hedges has concerted the exchange of the prisoners there with the Commissioners here, who have agreed to receive them at Newcastle as they did the former; and the Commissioners want only now to adjust with the Admiralty concerning the ships who are to receive them, and which they assure me shall be done in time for me to advise of it against next post. . . .

DAVID NAIRNE.

Whitehall. 23rd June, 1705.

Ibidem, pp. 415-6.

For the Earl of Seafield.

My Lord,— . . . The country expects the Parliament will take into consideration the guarding our coasts, so much infested at present by

¹ Lord Godolphin.

privateers of such numbers and force that Captain Gordon alone is not able to deal with them ; and as he hath done very good service already and saved much money to the nation, so if he had the Royal William added (for which the Parliament should give a fund) he would act a great deal more for the honour of the nation, as well as the safety of its trade. . . .

JO. BUCHAN.¹

Carnebulg [Aberdeenshire]. 25th June, 1705.

Ibidem, pp. 419-20.

For the Earl of Seafield Lord Chancellor.

My Lord,— . . . My Lord Treasurer thinks it will make a great noise here, and may be of ill consequence the letting these prisoners be dismissed that were taken by Captain Gordon with the Duke of Bavaria's commission. It would have been yet better if they had been the sailors of a merchant, but a privateer is an open offensive enemy, and to think that the French will dismiss any prisoners of the Queen's subjects, when they have not enough to exchange for their own, is much to be doubted. I told what your Lordship said for the doing it, but I find it does not satisfy, and the less that, upon the first application here, care was taken to ease the Queen of those prisoners taken by Captain Campbell. I wish that this method may not make the Commissioners here distinguish between Scots and English in the exchange hereafter, which they never did hitherto.

DAVID NAIRNE.

Whitehall. 28th June, 1705.

¹ Colonel John Buchan was a brother of the Jacobite General who was defeated at Cromdale.

State Papers Domestic, Naval (Entry Book), P.R.O.

*Extract of a letter from Colonel Villiers dated
Tynemouth Castle, 3rd July, 1705.*

I received your order for to receive such prisoners as should be sent from Scotland, and to deliver them to the commander-in-chief of the convoy for the colliers, that he may carry them to the Nore; and I hearing that there was some taken up at Newcastle so I sent yesterday to Newcastle to the Commissioners of the sick and wounded's deputy who hath 34 prisoners in his custody at Newcastle, which he will send me down this morning, and I will deliver them to the commander of the convoy to the Nore. There was about ten more of them that have made their escape. They were not sent as prisoners from Scotland, but had passes, and I have here enclosed a copy of one of the passes.

COPY OF THE PASS.

To all whom it may concern,

These are to certify that Gerard Van Stable, Pieter Van Stable, Francais Roderigo, Dominicus Pintifiur were belonging to the St. Trinity, a privateer of Ostend, Captain Jean Sable commander, taken by me aboard her Majesty's ship the Royal Mary, her Majesty's High Commissioner and the Right Honourable the Lords of her Majesty's Privy Council having thought fit to give them liberty to go home or where they please, it is desired that they may go in pursuit of their voyage homeward without hindrance or molestation. Given under my hand and seal aboard her Majesty's ship the Royal Mary in Leith road 20th June, 1705.

THOMAS GORDON.

Ibidem.

Admiralty Office. 6th July, 1705.

Sir,—Having received a letter from Colonel Villiers, governor of Tynemouth, touching French prisoners at war travelling from Scotland to Newcastle with passes, I am commanded by the Prince to send you an extract of his said letter together with a copy of the pass to be laid before the Right Honourable Mr. Secretary Hedges.

I am, Sir,
Your most humble servant,
J. BURCHETT.

Seafield Correspondence (Scottish History Society), pp. 421-2.

For the Earl of Seafield Lord Chancellor.

My Lord,— . . . I wrote to your Lordship formerly of the inconveniency of letting those prisoners loose about the country, who were taken by Captain Gordon, and the copy herewith of a letter wrote to the Committee for exchange of prisoners, and which they showed to me, will show your Lordship the hazards that the poor men themselves run. They might have been indeed sent away without formal treaties for ransome, as they do here with the Ostenders, but to let them run loose in the country may be a means to get them knocked down by every country fellow that has an aversion to a Frenchman. . . .

DAVID NAIRNE.

Whitehall. 7th July, 1705.

Minutes of the Privy Council of Scotland (résumé).

Holyrood House. 1st August, 1705.

Warrants issued by the Council to the magistrates of Glasgow to release the French prisoners ; to General George Ramsay, commander-in-chief

of H.M. forces, to send soldiers to Glasgow to receive them and convey them to the tolbooths of Canongate and Leith; and to the magistrates of the Canongate and Leith, and the keepers of their tolbooths to receive the said Frenchmen, and detain them till further orders.

Correspondence of Colonel Nathaniel Hooke (Roxburghe Club).

While I stayed with my Lady Erroll, our frigate [the *Audacious*] was within musket shot of the castle. The day after my arrival Mr. Gordon captain of a Scotch frigate commissioned to guard the coast appeared in the southward. My Lady Erroll bid me be under no apprehensions, and sent a gentleman in a cutter to desire the captain to take another course, with which he complied. This lady has gained him over, and as often as he passes and repasses that way he takes care to give her notice. I have brought with me one of his letters as a proof of his good disposition. Since that time there are signals agreed upon between him and Mr. Carron,¹ that they may avoid each other.

Ibidem.

Off Aberdeen. 11th August, 1705.

Letter to Lady Erroll.

Right Honourable Madam,—Unexpectedly I passed the Slains² this morning before day with some vessels under my convoy bound to Leith. From thence I design for Newcastle. If your Ladyship has any service for me there, honour

¹ Commander of the French ship *Audacious*.

² Slains Castle, on the east coast of Aberdeenshire, the seat of the Earl of Erroll and Lady Erroll.

me with your commands, which shall be punctually observed. It'll be fourteen days before I return to the north. I shall trouble your Ladyship with an account of my coming ere I part from Leith.

Your Ladyship's most obliged and most humble servant,

THOMAS GORDON.

Hooke gives a List of the Signals between Captain Gordon 'commanding the ship and M. Carron at the Slains in August, 1705, by the Countess of Erroll's means.'

Carron shall hoist a Holland ensign at the main topmast head (the main top-sail half mast down) and a Scots ensign at the mizen. Captain Gordon shall answer by hoisting the Scots ensign at the main topmast head (his main top-sail half mast down) and a Holland ensign to the mizen peak—and he shall not inquire after, pursue or concern himself with any such ship.

Minutes of the Privy Council of Scotland.

Holyrood House. 5th September, 1705.

Sailing Orders to Captain Gordon.

His Grace her Majesty's High Commissioner and Lords of her Majesty's Privy Council do hereby command and ordain Captain Thomas Gordon, commander of her Majesty's frigate the Royal Mary to sail forthwith and with all speed, wind and weather serving, from Leith to Newcastle, and to take under his convoy the ship belonging to Tait, hired by the Lords Commissioners of her Majesty's Treasury for transporting and carrying the French prisoners for

present in the tolbooths of Canongate and Leith, and there and at the said port to deliver the said prisoners to the Lord Mayor of Newcastle or to any other person or persons having her Majesty's warrant for receiving of them ; and upon the said Captain Gordon's arrival there his Grace and the said Lords do hereby appoint and ordain to intimate these his orders to the said Lord Mayor and aldermen of Newcastle, or any others having orders and warrant for receiving the said prisoners : And his Grace and the said Lords do hereby appoint and ordain the said Captain Gordon to return from Newcastle to the mouth of Forth, and to bring under his convoy such Scots ships as are homeward bound there, and conduct them safe within the Island [of] May ; and thereafter appoint and ordain him to prosecute his cruise northward, and call at all the harbours and seaport towns for ships bound to Leith, and receive them under his convoy thither.

*Order to the Magistrates of Canongate and Leith
to deliver French Prisoners to Captain Gordon.*

His Grace her Majesty's High Commissioner and Lords of her Majesty's Privy Council do hereby appoint and ordain the whole French prisoners, who are lying in the tolbooths of Canongate and Leith, except the master and nine of his men who are to continue in prison aye and until Sir John Shaw's men that are prisoners in France be set at liberty, and have a sufficient and valid passport to return home, and that the same be notified to the Privy Council, and also except La Grandure and La Peine, two of the said prisoners who, by former ordinance of Council are appointed

to be set at liberty, to be shipped aboard of Tait his ship lying at Leith to be by him carried to Newcastle, and for that effect appoint and ordain the magistrates of Canongate and Leith and keepers of their tolbooths to deliver the persons of the whole French prisoners in their custody and tolbooths, excepting as above, to Captain Thomas Gordon, commander of her Majesty's frigate the Royal Mary or to those having his orders to receive them off their hands, and put them aboard the said ship and that without payment of any house dues; and appoint and ordain the said magistrates to keep and detain the said master and his nine men in their tolbooths aye and until further orders of Council thereanent.

Ibidem (résumé).

Holyrood House. 8th September, 1705.

Mitchell Godett, captain of the French privateer taken by Captain Mathew Campbell, commander of H.M. ship, the Dumbarton Castle, having represented that he and nine of his men are ordained to be kept in prison until John Adams, master, Patrick Mudie, John Carr, John McKearie, James Shearer, William Ritchie, Robert Crone, Archibald Miller, William Rodger and Mathew Scott, all Scotsmen, now prisoners in Dinan in France, be set at liberty, with a passport to return home, and that he is desirous to return to France to effect this, promising also either to accomplish their release or to return and re-enter as a prisoner in Scotland within three months, the Council grant him their passport under their cachet to proceed to France for this end.

The Acts of the Parliaments of Scotland, Vol. XI, p. 244.

8th September, 1705.

Moved that another month's supply be granted for payment, *inter alia*, for outrigging her Majesty's ship the Royal William, and for maintaining two birlines to be kept upon the West coast for preventing the importation of Irish victual and other prohibited goods. . . . Carried approve . . .

Ibidem.

8th September, 1705.

Ordered that the royal burghs outrig the frigates and two birlines with all convenience, and recommended to the Lords of Treasury to assign so much of the said month's supply as shall be disbursed by them for these ends, as also recommended to the Lords of Treasury to assign so much of the said month's supply to the above persons as will satisfy the respective sums granted to them by the Parliament; and the Act of Supply having received some other amendments it was put to the vote: Approve the Act or not, and carried approved.

Minutes of the Privy Council of Scotland.

Holyrood House. 26th September, 1705.

Sailing Orders to Captain Gordon.

His Grace, her Majesty's High Commissioner, and Lords of her Majesty's Privy Council do hereby give order and warrant to Captain Thomas Gordon, commander of her Majesty's ship the Royal Mary, forthwith and without delay to sail from the road of Leith to Tynemouth, and receive under his convoy such Scots ships as are outward

bound thither, and conduct them safe to the said port, and appoint and ordain the said Captain Thomas Gordon immediately to return and bring under his convoy such Scots ships as are homeward bound, and conduct them safe within the Island of May ; and recommend the said Captain Gordon to the Lords Commissioners of her Majesty's Treasury for his payment accordingly.

Ibidem.

Holyrood House. 2nd October, 1705.

Warrant to Captain Gordon to sail to Scarborough.

His Grace her Majesty's High Commissioner, and Lords of her Majesty's Privy Council do hereby permit and allow Captain Thomas Gordon, commander of her Majesty's frigate the Royal Mary, to sail from Tynemouth to Scarborough in case the ships that he is to convoy from Tynemouth within the Island [of] May be not come that length.

State Papers (Scotland) Warrant Books, Vol. XXI, No. 110.

Commission to Captain Thomas Gordon to be Commander of the ship Royal William.

ANNE R.—Anne by the grace of God Queen of Scotland, England, France, and Ireland, Defender of the faith etc : To our trusty and well-beloved Captain Thomas Gordon greeting. We do by these presents constitute and appoint you to be commander of our ship the Royal William ; willing and requiring you forthwith to go on board and take upon you the charge and command of captain in her accordingly, charging strictly and commanding all the officers, seamen and soldiers belonging to the said ship,

Y

to behave themselves in their several stations and employments with all respect and obedience unto you their said captain: And you are likewise to observe and execute as well the instructions herewith to you delivered by our Privy Council of our said kingdom of Scotland, as what further orders and directions you shall from time to time receive from us or them or any other your superior officer for our service wherein you are not to fail, as you will answer the contrary at your peril. And for your so doing these presents, being recorded in the books of our Privy Council and to continue until recalled, shall be to you a sufficient warrant. Given under our royal hand and signet at our Court at St. James's the 7th day of November, 1705, and of our reign the 4th year.

By her Majesty's command,
MAR.¹

Ibidem.

Commission to James Hamilton of Orbieston younger, to be commander of the ship the Royal Mary. Given at St. James's the 7th day of November, 1705, and of her Majesty's reign the 4th year.

MAR.

Minutes of the Privy Council of Scotland (résumé).

Edinburgh. 13th December, 1705.

Captain Godet having, according to his promise, obtained the release of the Scotsmen imprisoned in France, the Lords on the petition of Julian

¹ John, Earl of Mar, was appointed Joint Secretary of State for Scotland on 29th September, 1705. He led the Jacobites in 1715.

Godet, Pieter Bonhomme and other six French prisoners kept as hostages, and on receipt of a certificate signed by John Baptista Lempereur, one of the French King's councillors, commissioner of marine affairs and governor in the jurisdiction of St. Malo, that the Scotsmen have been released, they appoint the magistrates of Canongate and Leith to set the French prisoners at liberty without payment of any house dues ; and grant them their protection to take them home.

State Papers (Scotland) Warrant Books, Vol. XXI, No. 139.

Commission to ¹ *to be first*
Lieutenant of the Ship Royal William.

ANNE R.—Anne by the grace of God Queen of Scotland, England, France, and Ireland, Defender of the faith &c : To our trusty and well-beloved ¹ greeting. We do by these presents constitute and appoint you to be first lieutenant of our ship the Royal William, willing and requiring you forthwith to go on board and take upon you the charge and command of first lieutenant in her accordingly, charging strictly and commanding all the officers, seamen and soldiers belonging to the said ship to behave themselves in their several stations and employments with all respect and obedience unto you their said first lieutenant, as you are likewise to observe and execute as well the instructions herewith delivered unto you by our Privy Council of Scotland, as what further orders and directions you shall from time to time receive from us or them, or any other your superior officer for our service, wherein you are not to fail as you will

¹ See commission dated 12th March, 1706, to David Prescio.

answer the contrary at your peril : And for your so doing these presents being recorded in the books of our Privy Council, and to continue until recalled, shall be to you a sufficient warrant. Given under our royal hand and signet at our Court at St. James's the 22nd day of December, 1705, and of our reign the 4th year.

By her Majesty's command,
LOUDOUN.¹

Ibidem, Vol. XXI, No. 140.

Commissions² [in same form as the above No. 139] to to be second lieutenant of the Royal William ; to to be first lieutenant of the Royal Mary ; to to be second lieutenant of the Royal Mary ; to to be first lieutenant of the Dumbarton Castle ; to to be second lieutenant of the Dumbarton Castle.

All these five commissions were passed and dated at St. James's the 22nd of December, 1705, and of her Majesty's reign the 4th year.

By her Majesty's command,
LOUDOUN.

Ibidem, Vol. XXI, No. 160.

The Queen's letter to the Lords of Treasury ordering the Royal William to be fitted out.

ANNE R.—Right trusty . . . we greet you well. Whereas for preventing the importation of Irish victual and other prohibited goods our Parliament last sessions gave a fund for outrigging our ship the Royal William and ordered that the royal burghs should outrig the frigates and two

¹ Hugh, Earl of Loudoun, was appointed Joint Secretary of State for Scotland with the Marquess of Annandale in June 1705.

² Completed on 12th March, 1706.

birlines with all conveniency, and recommended to the Lords of our Treasury to assign so much to them of the said fund as shall be disbursed by them for that end, notwithstanding of which order in Parliament we are informed that the royal burghs do decline to advance what money is necessary for the foresaid purposes: And we taking into our royal consideration how necessary it is for true security of trade that the said ship be speedily outrigged and sent to sea, and that seeing the royal burghs, as being the chief traders, will reap the greatest benefit thereby, we think it most just and reasonable that they should advance what money is necessary for that effect in pursuance of the order of Parliament: Therefore it is our will and pleasure, and we hereby authorise and require you to call the royal burghs and signify this our pleasure to them, and that we expect their ready compliance therewith; and on their so doing, you are to assign to them so much of the month's supply granted by Parliament for the above uses, as shall be disbursed by them for those ends. But if they refuse, you are to acquaint us therewith, that we may give such further orders as are necessary thereanent. For doing of which this shall be your warrant. So we bid you heartily farewell. Given at our Court at St. James's the 31st day of January, 1705-6, and of our reign the 4th year.

By her Majesty's command,

MAR.

State Papers, Domestic, Naval (Entry Book), P.R.O.

At the Court at Kensington, the 14th of February, 1705-6.

Present: The Queen's most Excellent Majesty in Council.

Upon reading this day at the Board a memorial

from the Council of his Royal Highness, Prince George of Denmark, Lord High Admiral in the words following viz. :

'There being reason to apprehend that there will be want of men to enable the fleet to proceed timely to sea the next year as the service may require it, we do by virtue of the power and authority given us by his Royal Highness humbly propose unto her Majesty that she will be pleased to recommend it to the Government of Scotland to provide and send to Leith to be put on board the ships of war and other vessels, as will be to that purpose ordered thither, such a number of able seamen as can be got in that kingdom for the service of her Majesty's fleet by or before the 15th of April next.'

The old bounty money, forty shillings, recommended to be paid to each able seaman sent by the Council of Scotland.

Same approved.

Ibidem (résumé).

On 23rd February, 1705-6, J. Burchett writes from the Admiralty Office inquiring of Mr. Secretary Hedges 'what directions are given or measures taken in relation to the getting seamen from Scotland in order to his Highness sending ships and money thither, according as was done the last time men were had from thence.'

Minutes of the Privy Council of Scotland.

Edinburgh. 7th March, 1706.

Sailing Orders for Captain Thomas Gordon.

By the Lords of her Majesty's most honourable Privy Council of the kingdom of Scotland, the instructions following are given to Captain Thomas

Gordon, commander of her Majesty's ship the Royal William, and commander of the Scots frigates, in prosecution and for better executing of his commission, and to be by him punctually observed upon his peril.

First, you are at and against the first day of April next to come to sail from the road of Leith to the northward in company with the Royal Mary, commanded by Captain James Hamilton, who is to receive orders from you from time to time as commodore, and take under your convoy all vessels bound that way, and carefully see each of them safe into their respective harbours so far as Orkney. Then you are to return and call along the coast for all vessels bound to the Firth.

Secondly, if no vessels be ready to come out of harbours when you call, you are to cruise ten days between Tynemouth Bar and Orkney, and call at Tynemouth for what vessels may be there bound for the Firth, whom you are carefully to see within the Island of May. Then you are to return to the northward as far as Orkney and bring along with you all vessels that are ready.

Thirdly, at any time when you come to Leith road, if there be ships bound for London you are carefully to see them the length of Tynemouth Bar and bring from thence all ships as you are appointed above, all which you are to observe during the time the ship is kept in pay.

Fourthly, you are carefully from time to time to advise us of all that occurs during your cruise.

Fifthly, you are to defend yourself and all ships under your convoy against all her Majesty's enemies, whether French or Spanish, and all

others with whom her Majesty is at present engaged in war, who shall presume to attack you, to the utmost of your power, and to endeavour by all your force to subdue them and make and bring them in as prize to be declared such.

Sixthly, you are also, as you find occasion and yourself in condition, to attack and set up all her Majesty's said enemies and endeavour by all your force to subdue them and seize their ships and goods.

Seventhly, you are also to search all ships going to or coming from France or Spain or any of the dominions belonging to the said kingdoms, and if you find them carrying contraband goods to any enemy's country, to seize them, their ships and whole goods, and bring them in as prize.

Eighthly, you are to keep exact journals of all that occurs during your cruise, and to observe the time of your cruising, and all other articles contained in your contract with the Lords of her Majesty's Treasury.

Given at Edinburgh the 7th day of March, 1706.

*Sailing Orders and Instructions for Captain
Mathew Campbell.*

By the Lords of her Majesty's most honourable Privy Council of the kingdom of Scotland the instructions following are given to Captain Mathew Campbell, commander of her Majesty's ship the Dumbarton Castle, in prosecution and for better executing of his commission, and to be by him punctually observed upon his peril.

First, you are to be in readiness and sail from New Port Glasgow to the mouth of Clyde against

the fifteenth day of March instant wind and weather serving.

Secondly, and from thence you are to cruise between the Isle of Tarrie¹ and the Mull of Galloway, and from that the length of Lambie Island near Dublin, and to take and have under your protection and convoy all vessels and ships belonging to her Majesty's subjects that shall fall in your way in that cruise, and conduct them safely to their respective ports.

Thirdly, &c. as in the instructions fifthly-eighthly given to Captain Gordon.

Given at Edinburgh this seventh day of March, 1706.

Ibidem.

Edinburgh. 7th March, 1706.

Sailing Orders and Instructions for Captain James Hamilton.

By the Lords of her Majesty's most honourable Privy Council of the kingdom of Scotland, the instructions following are given to Captain James Hamilton, commander of her Majesty's ship the Royal Mary in prosecution and for better executing his commission, and to be by him punctually observed upon his peril.

First you are at and against the fourteenth day of March instant to sail from the road of Leith to the northward and take under your convoy all vessels bound that way, and carefully to see each of them safe into their harbours so far as Orkney. Then you are to return, between and the first day of April next to come, to the road of Leith, wind

¹ See note on p. 299.

and weather serving, at which time you are to go northward in company with the Royal William, commanded by Captain Thomas Gordon, and to receive orders from him from time to time as commander; and in your first return to the road of Leith you are to call along the coast for vessels bound to the Firth.

Secondly &c., as in Captain Gordon's instructions.

Given at Edinburgh the seventh day of March, 1706.

Ibidem.

Edinburgh. 12th March, 1706.

Act appointing the Officers of the Scots Frigates to take the Oaths.

The Lords of her Majesty's Privy Council do hereby appoint the captains, lieutenants and masters of the Scots frigates to qualify themselves to her Majesty by swearing the oath of allegiance and subscribing the same with the assurance before a privy councillor.

Ibidem (résumé).

Edinburgh. 12th March, 1706.

Commissions to David Prescio to be lieutenant of H.M. Ship, the Royal William; to William Hay to be lieutenant of the Royal Mary; to George Milne to be master of the Royal William; and to Patrick Hay to be master of the Royal Mary, in the usual form, all dated 12th March, 1706.

Ibidem.

Edinburgh. 12th March, 1706.

*Warrant for putting a party of soldiers aboard
the Royal William.*

The Lords of her Majesty's Privy Council do hereby recommend to David, Earl of Leven,¹ commander-in-chief of her Majesty's forces within this kingdom, to order a party of forty-two sentinels (good and sufficient men) duly commanded by one officer, with three sergeants, three corporals and one drum, to repair to Burntisland upon the last day of March instant, and there to be shipped aboard her Majesty's ship and man-of-war the Royal William, Captain Thomas Gordon, commander, there to continue during his cruise.

*Warrant for putting a party of soldiers aboard
the Dumbarton Castle.*

The Lords of her Majesty's Privy Council do hereby recommend to David, Earl of Leven, commander-in-chief of her Majesty's forces within this kingdom, to order a party of twenty foot sentinels (good and sufficient men) duly commanded by one officer, with a sergeant, two corporals and one drum, to repair to New Port Glasgow, upon the day of March instant, and there to be shipped aboard her Majesty's ship and man-of-war the Dumbarton Castle, Captain Mathew Campbell, commander, there to continue during his cruise.

¹ David, second son of George, Earl of Melvill, succeeded on the death of the Duke of Rothes (27th July, 1681) as third Earl of Leven. He fought in Scotland and in Ireland on the Revolution side, and afterwards served in Flanders. In 1703 he was promoted Major-General. In March, 1706, he was appointed Lieutenant-General and Commander-in-Chief in Scotland. On his father's death, in 1707, the two earldoms were conjoined in him.

Ibidem.

Captain Hamilton qualified to her Majesty.

Oath of allegiance sworn and the same with the assurance signed by Captain James Hamilton, captain of the Royal Mary, and William Hay, his lieutenant, and Patrick Hay, master of the said ship, in presence of her Majesty's Advocate ; and the same being reported to the Council was appointed to be recorded and put up among the oaths.

Ibidem.

Edinburgh. 12th March, 1706.

Letter from the Queen for Levying Seamen.

Letter from her Majesty to the Council anent listing of seamen to serve aboard her Majesty's Royal Navy read and ordered to be recorded. The Council recommend to Sir James Steuart, her Majesty's Advocate, to draw a proclamation in the terms of the foresaid letter and former proclamations of Council anent levying of seamen for serving her Majesty in the English fleet.

(*Sic suprascribitur*) ANNE R.—Right trusty and right well-beloved cousin and councillor, &c., we greet you well. Whereas we have ordered one of our men-of-war to convoy what Scots ships are now here into the road of Leith, and having great occasion at this time for seamen, we have given directions to the captain of our said man-of-war to lie some days in Leith road and to receive what seamen will voluntarily enter themselves to serve in our Royal Navy, and for their encouragement we have ordered forty shillings sterling to be paid to each seaman at his entry, and from that

time they shall have the same pay and entertainment that our English seamen do receive ; therefore it is our will and pleasure and we recommend to your care to fall upon such methods as you judge proper for giving notice to all seamen, that such as are willing to enter into our service on board our fleet may know where to go and list themselves, and you are to give all other encouragement and assistance to our said captain for raising seamen that may be consistent with the laws of that our ancient kingdom, giving always special orders for preventing abuses and disorders in making these levies. We have taken care to have our orders to our Admiralty for prohibiting all press masters to press or seize any seamen on board any ships belonging to Scotland duly observed. We doubt not of your care of what we recommend to you, and so we bid you heartily farewell. Given at our Court at Kensington the 27th day of February, 1705-6, and of our reign the 4th year. By her Majesty's command (*sic subscribitur*),
LOUDOUN.

Ibidem.

Edinburgh. 20th March, 1706.

Act for a voluntary Levy of Seamen.

The Lords of her Majesty's Privy Council in prosecution of her Majesty's letter directed to them on the 27th of February last, and making mention that one of her men-of-war sent for convoy into the road of Leith is to lie some days there and to receive what seamen will voluntarily enter themselves to serve in the Royal Navy, who for their encouragement are to have forty shillings sterling each seaman at his entry, and

from that time the same pay and entertainment that her Majesty's English seamen do receive, and therefore recommending to their Lordships' care to fall upon such methods as they judge proper for giving notice to all seamen, that such as are willing to enter into her Majesty's service on board her fleet may know where to go and list themselves, and to give all other encouragement and assistance to the captain of the said man-of-war for raising seamen that may be consistent with the laws of the kingdom, giving always special order for preventing abuses and disorders in making these levies, do therefore hereby ordain the magistrates of the respective burghs and seamounts within the firths of Scotland or elsewhere upon any of the coasts thereof, or any other person having warrant from the said captain to beat drums within their said burghs and seamounts for intimating to all able seamen who voluntarily of their own free consent, given before a magistrate attesting the same, are willing to serve aboard her Majesty's fleet, that they repair to Leith between and the first day of May next to come, and there offer themselves to the said captain or any he shall appoint, upon payment to be made to each of the said seamen of forty shillings sterling of free bounty and levy money before their going aboard of the said man-of-war, and the said captain his engaging that they shall be received into her Majesty's service aboard her fleet, and shall have the same pay and entertainment with her English seamen. And the said Lords of Council ordain all magistrates and others within the burghs and seamounts foresaid to give their concurrence to the said captain and such as shall be employed by him for securing the persons of the said seamen,

who shall willingly engage and receive payment in manner foresaid upon the said captain's proper charges and expenses: And the said Lords do hereby strictly prohibit and discharge all disorders or abuses to be committed in making the said voluntary levy, but that all concerned keep themselves within the bounds and rules of law, recommending to the committee of Council for pressed men to hear and redress summarily all complaints that shall be made to them in the said matter.

Ibidem.

Edinburgh. 4th June, 1706.

*Recommendation to the Lord Advocate to write for
Convoys to Scots Ships in the Baltic.*

Sir Robert Forbes¹ having represented to the Board that he had received a letter from several skippers and masters of ships at Danzig desiring application to be made to the Council for a warrant to Captain Gordon and Captain Hamilton, commanders of the two Scots frigates, to come sometime in June to Gothenburg to convoy home twenty-five or thirty Scots ships from thence, and the said letter being read, the Lords of her Majesty's Privy Council do hereby recommend to Sir James Steuart, her Majesty's Advocate, to prepare and bring in to the Council next Council day a letter from their Lordships to the Secretaries of State to be laid before her Majesty, entreating that her Majesty will be pleased to order two English frigates to go in company with one of the Scots frigates to Gothenburg, and to convoy

¹ Clerk to the Scots Privy Council: He was also a Judge of the Admiralty Court of Scotland from 30th November, 1699.—*State Papers (Scotland) Warrant Books*, vols. xvii and xx.

from thence such Scots ships as are there and ready to sail, and to see them safely within the Scots firth.

Ibidem.

Edinburgh. 6th June, 1706.

Letter from the Council to the Secretary of State for Convoys to Scots ships in the Baltic.

Letter from the Council to the Earl of Loudoun, Secretary of State, to be laid before her Majesty for convoys to some Scots ships in the Baltic, read, voted, approven and ordered to be recorded, and recommended to the Earl of Buchan to sign and transmit the same to court, the tenor whereof follows :—

My Lord, there hath been a representation made to the Lords of Privy Council in behalf of a great many Scots masters of ships now abroad in the Baltic that some time in June there may be twenty-five or thirty sail of Scots ships at Gothenburg that will need a convoy for Scotland, and therefore desiring that orders may be given to Captain Gordon and to Captain Hamilton to come that length and convoy them homeward, as the copy of the letter from Danzig in April last to one of the clerks of Council herewith sent bears; whereupon we thought fit that the case should be transmitted to your Lordship to be laid before her Majesty with our opinion, which is that because our frigates cannot be wanting to defend our coasts now in the summer from small privateers that infest us, therefore it may please her Majesty to give her royal orders to the Admiralty of England to send two or three of [her] Majesty's ships of war for this convoy. My Lord, this

would be a considerable kindness and advantage to this kingdom and the trade thereof, and therefore we again recommend it to your Lordship's care, and whatever her Majesty shall appoint shall be duly signified to those concerned; but this being now the season we expect your Lordship's answer with the first convenience. Signed in presence by order and in name of the Lords of her Majesty's Privy Council by, my Lord, your Lordship's most humble servant (*sic subscribitur*),
 BUCHAN.

Admiralty I (Captain's Letters), 1823 (P.R.O.).

Royal William lying at Tynemouth Haven. June, 1706.

My Lord,—Having received a letter signed by several masters of our vessels from London, who had put in here and have aboard some valuable goods of the nobility and commissioners of the Union, to give them convoy from this home, I took the first opportunity with Captain Hamilton, commander of the Royal Mary, to comply with their desire.

The wind proved cross most of the way; and, having sprung the head of my foremast, I was obliged to put into harbour, where, without any previous notice, I was saluted by Captain Jones, commander of the Dunwich, with a sharp great shot. I immediately sent my lieutenant on board him to know the meaning of such rashness. He complained of my spreading a broad pendent¹ in English waters, and gave that for the reason. Now, my Lord, I have done nothing in this case but what the English are doing in our rivers,

¹ According to the *New English Dictionary*, the Duke of Wellington in 1813 congratulated a friend on hoisting the 'broad pendent,' and 'pendent' appeared in the Navy List as late as 1882. The official spelling is now 'pendant.'

and what the Dutch do also in their and our waters in company of the Queen's ships. Captain Jones takes amiss also my firing an evening and morning gun, altho' the English and Dutch do the same when with us, and also the Dutch too in the very Thames; and my doing so is only with regard to the ships under my command. Captain Jones sends an account of the affair to the Prince of Denmark by this post, therefore I judged it my duty to inform your Lordship at the same time thereof; wherein I hope I'll be found to have done nothing unwarrantably.

My Lord, this case may give occasion to the regulation of the memorial between us and England, as well as foreigners; and I wish it may, for, my Lord, if we shall happen to meet with English frigates of greater force than ourselves, who no doubt will pretend the submission of striking saluting of which we cannot yield without particular instructions, the consequence may prove fatal, which by all means ought to be prevented for the good of both.

I beg, my Lord, now when so many honourable and knowing persons of our country are at London, who can assist in this affair, that the opportunity be not lost of rendering things of this nature distinct between our neighbours and us.

I cannot omit to tell your Lordship on this occasion that Captain Ramsay, commander of the *Bon Adventure*, who conveyed our recruits to Holland, told me in the road of Leith that he should be sorry of meeting me without the Island of May, since he had orders from the Board of England to make our frigates strike and salute. This makes it still the more necessary that matters be timeously adjusted, and we fully instructed how to carry out such cases, for I am firmly

resolved not to yield one jot, while I have the honour to command, without particular orders, which are impatiently waited for by him, who is, my Lord, your Lordship's most obedient and most humble servant,

THOMAS GORDON.

The letter is endorsed by Lord Wemyss,¹ the High Admiral for Scotland, with the remark :—
'The expedient proposal is that, being all the Queen's subjects in her own ships, that there be no dissension amongst them, but as one English man of war comes to another.'

Minutes of the Privy Council of Scotland.

Edinburgh. 11th July, 1706.

*Order for transporting French Prisoners
to Glasgow.*

The Lords of her Majesty's Privy Council do hereby command and ordain Colonel Corbitt forthwith to order a party of her Majesty's forces to repair to Greenock and there receive from Captain Mathew Campbell, commander of her Majesty's ship the Dumbarton Castle, the captain, lieutenants and crew of a French privateer lately taken by the said captain, amounting to the number of seventy persons, and to transport them prisoners to the burgh of Glasgow; and ordain the magistrates of Glasgow to receive them and to keep and detain the said crew prisoners in their tolbooth till further orders of Council; and allow the said magistrates to grant the captain and his two lieutenants the liberty of the town of Glasgow upon their parole of honour not to

¹ David, Earl of Wemyss, was appointed Lord High Admiral of Scotland on 7th March, 1706.—*State Papers (Scotland) Warrant Books*, vol. xxi.

remove from the said burgh without the Council's leave; and appoint the said prisoners to be alimmented as follows, viz., the captain at twelve shillings Scots per day, the two lieutenants at six shillings Scots each per day, and each of the rest of the crew at three shillings Scots per day; and recommend to the Lords Commissioners of her Majesty's Treasury to order the said aliment to be punctually paid accordingly.

Ibidem.

Edinburgh. 11th July, 1706.

Act in favour of Captain Thomas Gordon.

Anent the memorial given in and presented to the Lords of her Majesty's Privy Council by Captain Thomas Gordon shewing that the Royal William being so very crank that she cannot carry sail without heavier ballast than stones, that therefore it might please the said Lords to give him orders to take aboard those guns which belonged to the Bass, and are now of no manner of use to the government but such as this. If at any time the government think they have use for them they may have them ashore upon twenty-four hours' advertisement. The Lords of her Majesty's Privy Council having considered the above memorial given in to them by Captain Thomas Gordon, commander of her Majesty's ship the Royal William, and the same being read in their presence the said Lords do hereby allow the said Captain Thomas Gordon the guns which were formerly in the Bass now lying on the shore of Leith upon his granting receipt therefor to the shoremaster to make the same forthcoming for the use of the government when required thereto.

Ibidem.

Edinburgh. 11th July, 1706.

Remit to the Judges of Admiralty to try and judge a French Privateer and an Irish Ship retaken.

The Marquis of Montrose, Lord President of Privy Council, having represented to the Board that Captain Mathew Campbell, commander of her Majesty's ship the Dumbarton Castle, had acquainted his Lordship that he had taken a French privateer and retaken an Irish ship which the said French privateer had taken and in her custody, the Lords of her Majesty's Privy Council do hereby remit to the judges of the High Court of Admiralty to try and judge the said French privateer, and grant warrant to and ordain the said Captain Mathew Campbell to keep and detain the said Irish ship; and remit to the said judges of the said High Court of Admiralty to cognosce and determine her case conform to the maritime law.

Ibidem.

Edinburgh. 6th August, 1706.

Act allowing the Captain and Lieutenants of a French Privateer to return to their own country.

The Lords of her Majesty's Privy Council do hereby allow the captain and lieutenants of the French privateer lately taken by Captain Mathew Campbell to return to their own country, and recommend to Sir James Steuart, her Majesty's Advocate, to grant them sufficient passes for that effect.

State Papers (Scotland) Warrant Books, Vol. XXII.

The Queen's Letter to the Lords Commissioners of the Treasury ordering her share of the Prize taken by Captain Campbell to be given to the Earl of Wemyss.

ANNE R.—Right trusty, &c., we greet you well. We being informed that Captain Mathew Campbell, commander of our ship the Dumbarton Castle, has in his cruise on the western seas taken a small French privateer, and we being resolved to bestow a mark of our royal favour upon our right trusty and well beloved counsellor David, Earl of Wemyss, Admiral of that our ancient kingdom: Therefore it is our royal will and pleasure, and we hereby authorise and require you to order what proportion or share belongs to us of the said privateer to be given to the said Earl of Wemyss to be disposed of by him and in such manner as he shall think fit, for doing of which this shall be your warrant. And so we bid you heartily farewell. Given at our Court at Windsor Castle the 12th day of August, 1706, and of our reign the 5th year.

By her Majesty's command,
LOUDOUN.

Minutes of the Privy Council of Scotland.

Edinburgh. 15th August, 1706.

Warrant for Liberating the crew of a French Privateer at Liberty.

The Lords of her Majesty's Privy Council do hereby allow the crew of a French privateer lately taken by Captain James Hamilton, commander of her Majesty's ship the Royal

Mary, to return home to their own country, and appoint and ordain the magistrates of Edinburgh and keepers of their tolbooths to set them at liberty forth of the tolbooth of Leith, wherein they are presently imprisoned, three of the said crew at a time, with the interval of twenty-four hours, and appoint the said magistrates to give each of the seamen four pounds Scots for assisting them to return home, as said is ; and recommend to the Lord Advocate to grant them passes as they are liberated, and allow the said magistrates to grant the captain and his lieutenants the liberty of the town of Edinburgh upon their parole of honour not to remove from the said burgh without Council's leave ; and in the meantime appoint the said prisoners to be alimanted as follows, viz., the captain at twelve shillings Scots per day, the two lieutenants at six shillings Scots per day, and each of the rest of the crew at three shillings money foresaid per day ; and declare that the said magistrates shall be reimbursed of their advances out of the first end of the said privateer when roused, and that the price thereof is burdened with payment to them accordingly.

Ibidem.

Edinburgh. 6th September, 1706.

*Permit to the French Officers to go home to
their own country.*

The Lords of her Majesty's Privy Council do hereby allow the officers of the French privateer lately taken by Captain James Hamilton to return to their own country without trouble or molestation, and recommend to the Lord Advocate to grant them sufficient passes for that effect.

The Acts of the Parliaments of Scotland, Vol. XI, p. 319.

9th November, 1706.

Then a proposal given in that the one month's cess given for the three frigates and two birelines will not outrig and maintain them considering their bad condition by stormy weather, and considering the establishment and that therefore a half-month's cess be further granted for their outrig and maintainence, which being read the same was ordered to lie upon the table.

Minutes of the Privy Council of Scotland.

Edinburgh. 28th March, 1707.

Warrant anent Seamen.

Her Majesty's High Commissioner¹ and Lords of Privy Council do hereby allow the captain of the English man-of-war, now lying in the road of Leith, to beat drums and put up 'placatts' for levying such seamen as shall engage with him voluntarily and give their consents before a magistrate, and prohibit and discharge all disorders and abuses to be committed in levying of the said seamen, but that the said captain and those to be employed by him keep themselves within the bounds prescribed by law.

Recommendation to Major-General [R.] Maitland² to send a Party aboard The Royal William.

Her Majesty's High Commissioner and Lords of Privy Council do hereby recommend to Major-General Maitland, commander of her Majesty's forces within this kingdom for the time, to order a party of forty-one sentinels, good and sufficient

¹ James, Duke of Queensberry.

² Sometime governor of Fort William.

men, duly commanded by an officer, with three sergeants, three corporals and two drums to repair to Leith the day of , and there to be shipped aboard her Majesty's ship and man-of-war the Royal William, Captain Thomas Gordon, commander, and the said party to be the same men that were on board the said ship last year as near as possible, and to continue during his cruise.

The Same aboard the Royal Mary.

Her Majesty's High Commissioner and Lords of Privy Council do hereby recommend to Major-General Maitland, commander of her Majesty's forces within this kingdom for the time, to order a party of thirty-three sentinels, good and sufficient men, well armed and duly commanded by a lieutenant, with two sergeants, three corporals and two drums to repair to Leith the day of , and there to be shipped aboard her Majesty's ship and man-of-war the Royal Mary, Captain James Hamilton, commander, there to continue during his cruise.

Recommendation to Major-General Maitland to send a Party of Soldiers aboard The Dumbarton Castle.

Her Majesty's High Commissioner and Lords of Privy Council do hereby recommend to Major-General Maitland, commander of her Majesty's forces within this kingdom for the time, to order twenty sentinels, good and sufficient men, duly commanded by an officer, with a sergeant, two corporals and one drum to repair to

service, he offers to come to France with his 40-gun frigate at the first notice of his Majesty's pleasure.

M. de Ligondez arrived a few days after, before my return to Slains. They gave him just the signal mentioned, and begged him to keep aloof for a fortnight. He returned at the end of three weeks, when he found me at Slains, where he came on shore, and dined with the High Constable.¹ But as I had promised to wait for the Duke of Hamilton's answer till the 9th of June, I desire M. de Ligondez to cruise off the coast and return for that day or the day after. On the 8th of June Captain Gordon appeared on the coast, and the day following M. de Ligondez. The two frigates gave him chase and gained round upon him, particularly the 20-gun frigate. Then M. de Ligondez made the signal, upon which Captain Gordon fired a gun to recall his companion, which obeyed with reluctance. The two frigates steered off for some time at sea, and Captain de Ligondez, having cruised off for some time at sea, arrived about noon before the High Constable's castle.² The time appointed for the Duke [of Hamilton's] answer being expired, it was thought proper I should not lose any more time in waiting for it, as it could not be expected to be more favourable than his former answers. I went on board with Mr. Moray about nightfall, and by the vigilance and good conduct of M. de Ligondez we met with no accident in the passage, but arrived safe at Dunkirk the 17th of June after between eight and nine days' sail.

¹ The Earl of Erroll.

² Slains, Aberdeenshire.

State Papers (Scotland) Warrant Books, Vol. XXV, No. 43.

The States General their letter to the Queen.

Madam,—We should willingly dispense ourselves to interrupt your Majesty in the continual care you take (with so much wisdom and affection for the public good and that of your people) in recommending to your care a particular affair, if our duty did not oblige us to speak for our subjects, and to protect them in a just cause, as is incontestably this to which we desire your Majesty to give attention. It is three years since that the ship named the Katherine coming from the Canaries loaded with raw wines from those isles was met in full sea upon her voyage towards our port by Captain Gordon a Scotsman commanding a man-of-war of your Majesty's, who took her and carried her to Edinburgh where she was confiscated and sold very precipitantly in a fortnight, without that those interested had had time to be advertised of it and to give duly the necessary orders to reclaim her, and in their own defence also without any just reason or foundation, being 'tis certain that the proprietors James Meyers and others being all citizens in the town of Rotterdam had obtained our passports to have brought this ship and her cargo from the Canaries into our ports: That your Majesty has permitted the trading with Spain and the towns thereunto belonging as also those isles of the Canaries, so that those interested have done nothing contrary to the laws of your Majesty or of ours nor of any treaty or convention: And if that trading had not been permitted in your Majesty's kingdoms, that could in no ways concern our subjects whom

that toucheth not, also your Majesty being persuaded of the wrong done the proprietors above named has had the goodness to order the Treasury of Scotland that the value of the said ship and her cargo should be rendered to them again, but we know not by what misfortune it is that neither the goodness of the cause nor the orders of your Majesty nor the repeated instances of our envoy has been capable to obtain to those interested the satisfaction that their own good right ought to have procured them. These are the reasons Madam which obligeth us again to take our refuge in the justness and love that your Majesty has always professed in desiring to have the goodness to order for the future and more at large than before the undamaging of the proprietors of the said ship and cargo, either by those of the treaty of Scotland or any other way which your Majesty shall think more convenient and quick, that the complaints of these our subjects interested which troubles us (because none can but own they have reason) may cease; the which will no doubt contribute to the conservation of a good intelligence betwixt the subjects of either side, the which we know is agreeable to your Majesty, and that we shall try to affirm and augment more and more; but nothing can be more contrary than not to remedy complaints so well grounded, therefore we hope your Majesty will take it off, and we trust in your love, who cannot suffer in an affair so clear and just our subjects should languish any longer, and that they should be the only people who enjoyeth not the effects of your justice and royal goodness which is the ornament of your glorious reign of which the fame is spread so universally all over the world. So that in hoping

your Majesty will not let our intercession be unfruitful we shall conclude the present in addressing our prayers to the Almighty.

Madam,

To fulfil the reign of your Majesty with glory and felicity and to bless your royal person with perfect health and very long life, from The Hague the 11th of August, 1707, from your Majesty's the very humble servants the States General of the United Provinces of the Low Countries,

By order from them,

FFAGELL.

State Papers (Scotland) Warrant Books, Vol. XXV, No. 47.

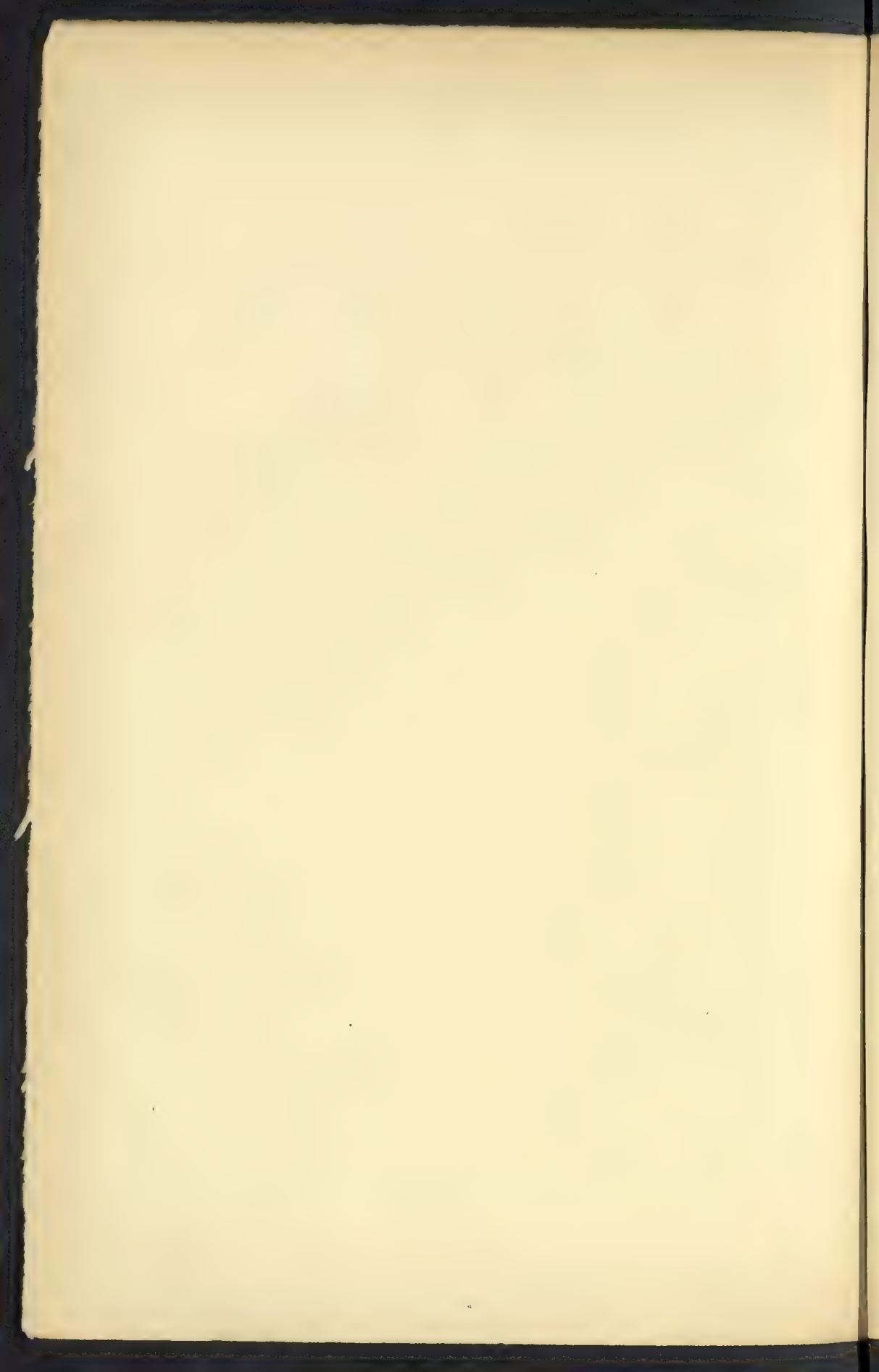
The Queen's Letter to the Lords Commissioners of the Treasury in favour of Captain Gordon.

Anne R.,—Right trusty &c. . . . we greet you well. We understanding that Captain Thomas Gordon did in the year 1705 (when commander of our ship the Royal Mary) take near Fraserburgh a small privateer of four guns called the St. Esprit belonging to Ostend, and that when the said privateer was exposed to sale by a public roup, the said captain did buy her and gave bond for the value for our use, which bond lies now in the hands of the Judge Admiral of that part of our kingdom of Great Britain called Scotland, and we being resolved to bestow a mark of our royal favour upon the said Captain Gordon, in consideration of his good services; therefore

it's our will and pleasure, and we hereby authorise and require you to call for and deliver up to him the foresaid bond, for doing of which this shall be your warrant. And so we bid you heartily farewell. Given at our Court at Windsor Castle the 19th day of August, 1707, and of our reign the 6th year.

By her Majesty's command,

LOUDOUN.



CHAPTER VI

The ABSORPTION of the SCOTS NAVY:
1707-1710.

INTRODUCTION

ON the 1st of May, 1707, the legislative union of England and Scotland was consummated; and the Scots and English navies were united, and became known as the British navy. In actual fact the result was small. The flag was changed. The white cross of Saint Andrew on the blue banner of Scotland no longer indicated a Scots man-of-war. Its place was taken by the Union Jack and the red, white, or blue ensign, from the canton of which the St. George's Cross was removed, to be replaced by the combined crosses as in the Union Jack. In effect the small Scots naval force of three ships was, during the ensuing few months, quietly absorbed by its all-powerful neighbour. The Royal William and the Royal Mary, which were stationed on the east coast of Scotland, were placed on the new establishment as fifth and sixth rates early in August. As there were men-of-war in the English navy of the same name, the Scots ships were renamed the Edinburgh and Glasgow respectively; and were at once employed as a standing convoy to the trade between Scotland and the Nore. Their absorption in the English navy was unpopular with the Scots seamen. Early in October one hundred of Captain Gordon's men mutinied at Leith, having got into their heads 'a notion of being sent to the

West Indies which frightens them mightily.' Earlier in August Captain Gordon of the Edinburgh, commodore of the Scots navy, and Captain Hamilton of the Glasgow had their commissions renewed; but for long there were difficulties with the British Admiralty as to the dates their rank as captains in the British navy counted from. In August, 1707, they represented to the Admiralty that they should rank in the navy according to the dates of their commissions from the Queen as captains,—Captain Gordon from 17th July, 1703, and Captain Hamilton from 7th November, 1705; but there was considerable delay and official obstruction before service in the Scots navy was allowed to count. On 9th February, 1708, Captain Gordon wrote to the Secretary of the Admiralty as follows¹:—

'The kind part you have always had in my affairs, since I had the honor to be known to you, makes me now take the liberty to pray you to give some signification of what you were pleased to tell me at Windsor both from the Prince and Mr. Churchill, that I was to have rank from the date of my commission in the Edinburgh, the then Royal William, which is 7th November, 1705. This is only in case of mortality in the squadron; I am going to prevent any dispute that may arise between me and other gentlemen, younger officers than myself, who possibly on such an occasion may pretend to command me. I am persuaded from the goodness of your own temper you will forgive this trouble, and if you will add to the favor the honor of your commands, it will be the greatest obligation in the world.'

Gordon's rank continued to give him trouble even after this, for on 14th Feb. 1709, he forwarded the following memorial to Lord Pembroke, Lord High Admiral of Great Britain²:—

'From the beginning of the present war I have had the honour to command her Majesty's ships of war in Scotland till after the commencement of the Union. Then I was commanded by his late Royal Highness as Lord High Admiral of Great Britain to renew my

¹ *Admiralty*, I, vol. 1824, P.R.O.

² *Ibid.*

commission, before which I desired to know my rank in the Royal Navy, and after a survey and report from the Navy Board of the dimension and rates of the two ships I had commanded, there was objection made against my taking rank from my first commission, being that the ship was rated as a sixth rate, but was assured from her Majesty and his Royal Highness that I should have rank in the Navy from her Majesty's to me for the Royal William, now the Edinburgh, bearing date the 7th November, 1705—which I accepted of as being agreeable to the rules of the Navy of England, tho' it was four years short of her Majesty's commission to me giving me rank as captain from the Royal Navy. Now I find in the list of captains I am only ranked from the commencement of the Union, which obliges me to give your excellency this trouble, humbly begging you would be pleased to do me justice in this affair, and to signify the same to prevent mistakes that may arise betwixt other gentlemen and me who are younger officers. This will render me more capable to do her Majesty further service under your excellency's direction'

On 3rd February, 1708, Captain Gordon was posted to the Leopard, 50 guns, and distinguished himself off Montrose in the running sea fight between the British under Byng and the French under Forbin, when he captured from the French the sole trophy of the fight, the Salisbury man-of-war.¹ Records in the Admiralty Library, Whitehall, show that the Edinburgh, a fifth rate 2 decker of 364½ tons and 32 guns, length (gun deck) 99 feet, breadth 28 feet 8 inches and depth 11 feet 2 inches, with an establishment of 145 men, was sunk at Harwich for a breakwater on 10th August, 1709. On 5th November, 1711, Captain Gordon was posted to the Moor; and on 6th May took over the command of the Advice. In February, 1716, it is said that after declining to take the oath of allegiance to George I he resigned his commission. On 1st June, 1717, he took service under Czar Peter the Great in the Russian

¹ *Seafield Correspondence* (Scottish History Society), pp. 460, 462.

Navy, in which he reached the rank of Admiral, and Governor of Kronstadt. He died on 18th March, 1741. Much information is given about him in the Stirling - Home - Drummond - Moray papers, Historical Manuscripts Commission, 1885; Sir Cyprian Bridge's 'History of the Russian Fleet,' Navy Records Society, vol. xv.; in a brilliant monograph upon him, by J. M. Bulloch in his 'Gordons under Arms,' New Spalding Club publications, 1912; and in the present volume.¹

A portrait of Captain Gordon as an Admiral in the Russian Navy recently identified by Mr. Bulloch and the Editor in Gordon Castle is, through the courtesy of the Duke of Richmond and Gordon, reproduced for this volume.

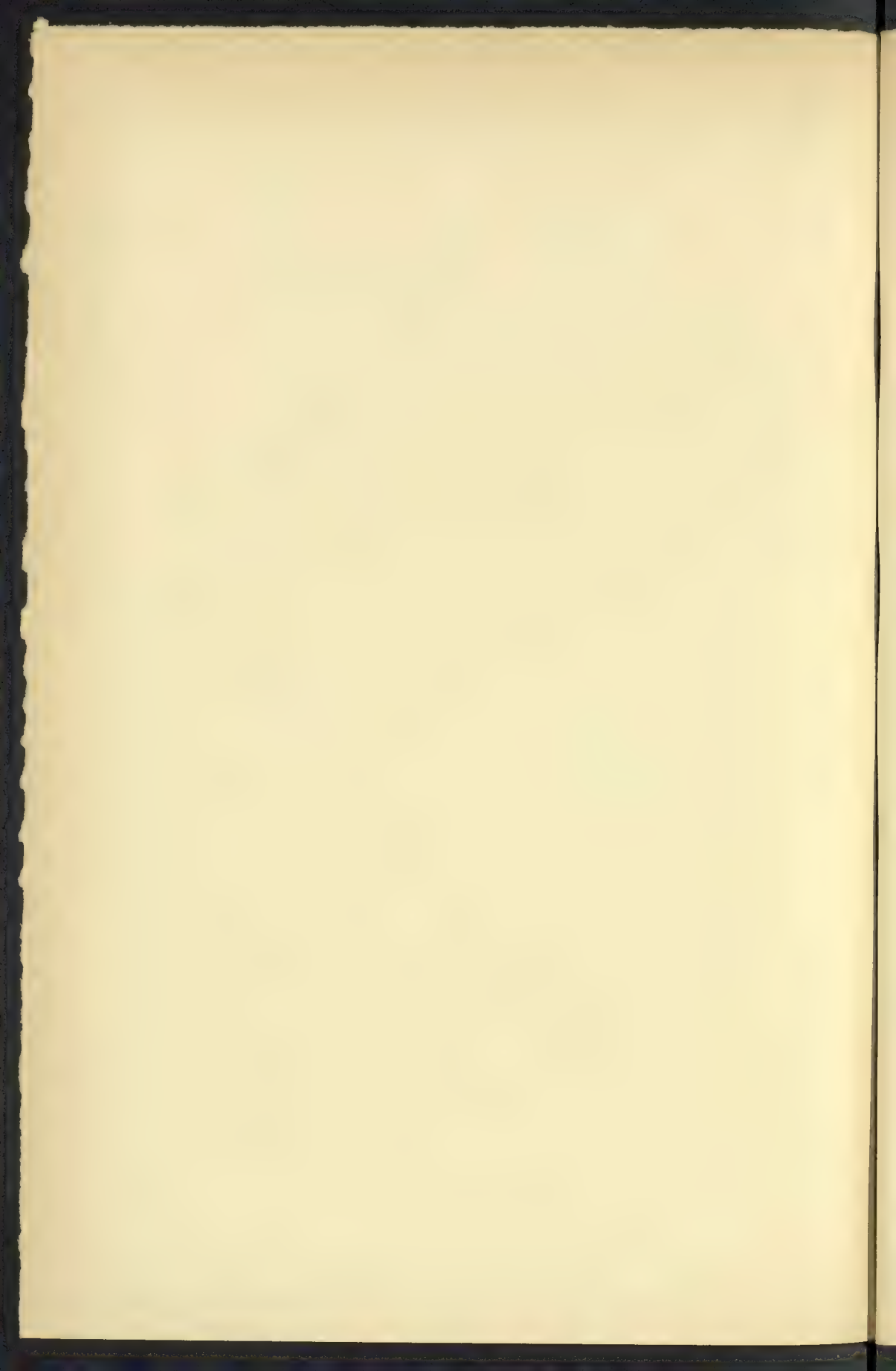
Captain James Hamilton was on 26th December, 1707, appointed from the Glasgow captain of the Lark. He died in the West Indies on 22nd December, 1708.² Records in the Admiralty Library, Whitehall, show that the Glasgow, a sixth rate of 284½ tons and 24 guns, length (gun deck) 92 feet 6 inches, breadth 26 feet 4 inches, depth 10 feet 10 inches, with an establishment of 115 men, served in the Channel from 1708 to 1712 under Captains Thomas Egerton (January, 1708-February, 1708) and Walter Massay (February, 1708-June, 1712). She was subsequently commanded by Thomas Dennitt (June, 1712-November, 1714), and by William Lloyd (February, 1715-November, 1718). In 1715 her name appears as 'Glasgow' at Portsmouth under orders for the Plantations (America). The Glasgow was sold on 20th August, 1719, for £115.

It was only on 22nd October, 1707, that Captain Mathew Campbell of the Dumbarton Castle, who had been cruising in the western seas between Dublin Bay and Tory Island, came into Port Glasgow, and reported himself to Prince George of Denmark, Lord High Admiral of Great Britain. On 5th December next his ship was put on the new establishment of the Royal Navy as a

¹ See also Charnock's *Biographia Navalis*, vol. iii, pp. 309-10.

² *Ibid.*, vol. iii, p. 392.

sixth rate of 24 guns, with an establishment of 115 men, and was thereafter ordered from Glasgow to Kinsale in Ireland to refit for Channel service. After a spirited defence she was on 26th April, 1708, while engaged on convoy duty, captured by a French privateer of 42 guns off Waterford. Captain Campbell, who was taken prisoner, was confined for some time in St. Malo castle and thereafter at Dinan in France. In June, 1709, he was in England, either having escaped or having been exchanged. The capture of his ship was subject of trial, and he was honourably acquitted after a court martial held on the 21st of next month. For a year thereafter he continued to press the Admiralty unsuccessfully for payment of the victualling of the Dumbarton Castle from 5th September, 1707, to 20th April, 1708. How it all ended the Editor has not traced further. He does not appear to have received any other command. According to Charnock he died at Leith on 27th April, 1723.



CHAPTER VI

Admiralty, Secretary, Minutes. P.R.O.

Tuesday, 29th July, 1707.

Upon reading her Majesty's order in council of the 21st inst. directing what colours shall be worn aboard the ships and vessels of the Royal Navy since the union of the two kingdoms, resolved that a copy of the same be sent to the Navy Board, and they directed to cause them to be supplied with colours accordingly with all possible dispatch, and for the speedier and cheaper doing the same, they are to order St. George's cross to be taken out of all the ensigns and a Union Jack flag put into them in room thereof, or to alter the said colours in such other manner as they shall judge best for the service.

Ibidem.

Monday, 4th August, 1707.

Present Sir D. Mitchell. . . . The Secretary to be acquainted that Sir D. Mitchell proposes the Royal William to be called the Edinburgh¹ and the Royal Mary the Glasgow,² two Scotch ships.

Ibidem.

Tuesday, 5th August, 1707.

Present Mr. Churchill and Mr. Paget. . . .
Captain Thomas Gordon, commander of the Royal William, and Captain James Hamilton,

¹ Sometimes spelt 'Edenburgh.'

² Usually so spelt instead of the modern form Glasgow.

commander of the Royal Mary, attended the Board, and the Secretary's letters to them of the 18th July last were delivered to them, and they produced their commissions and instructions which were read. The Navy Board to be ordered to survey these two ships and report their opinion what men and guns are proper to be established on them, and of what rates they propose them, and to add them to the list of the Royal Navy by the names of the Edinburgh and Glasgow, and commissions to be made out for these two captains. The Prince to be moved for giving these ships orders to execute the remaining part of their instructions from Lord Wemyss; and then the Council propose to have them employed as a standing convoy to the trade between Edinburgh and the Nore. . . . Mr Warter to inform himself of Mr. Elrick whether it is necessary for the Commissioners for collecting the sixpence per man a month out of the seamen's wages to have their commissions renewed upon the union of the two kingdoms.

Orders of Prince George of Denmark (Lord High Admiral) to the Navy Board, from MS. in the Admiralty Library.

Admiralty Office. 5th August, 1707.

GENT^l.—I do hereby desire and direct you, to cause the two men-of-war of North Britain, now at the buoy of the Nore called the Roy^l William and Roy^l Mary, the former of which I have named the Edinburgh, and the latter the Glasgow, to be added to the list of the Roy^l Navy by those names, and that they be forthwith survey'd, sending me an account of their dimensions, what condition they are in for the sea, and

what tackle, apparel, furniture and stores do belong to them respectively, together with your opinion what rates, what numbers of men and numbers and natures of guns you judge proper each of them should be established with.

I am

Your affec^e. friend,

GEORGE.

Admiralty I, Vol. 1823. P.R.O.

From a memorial by Captain Thomas Gordon and Captain James Hamilton :—

Whereas Captain Thomas Gordon, commander of her Majesty's ship the Royal William and Captain James Hamilton, commander of the Royal Mary, being ordered to attend his Royal Highness in order to renew their commissions and thereby be ranked on the Royal Navy of Great Britain, so it's humbly expected by the two captains that his Royal Highness will give such orders as he shall think fit, that they may take rank in the navy according to the date of their commissions from her Majesty as captains, viz., Captain Gordon's from the 17th July, 1703, and Captain Hamilton from the 7th November, 1705.

Ibidem, Vol. 1876 (résumé).

On 14th August, 1707, Captain James Hamilton applies to the Admiralty for a supply of provisions for the Glasgow 'as formerly.'

Admiralty, Secretary, Minutes. P.R.O.

Admiralty Office. Saturday, 16th August, 1707.

Present Sir D. Mitchell, Mr. Walpole. . . .

Upon reading a letter from the Navy Board of the 14th with the surveys of the Edinburgh and

Glasgow, resolved that orders be given to the Navy Board for establishing them with the same number of men and guns as proposed by them, and established as 5 and 6 rates; and since 'tis proposed to have them brought into a dry dock, the Navy Board to be writ to, to know where they would propose to have them brought for that purpose.

Orders of Prince George of Denmark (Lord High Admiral) to the Navy Board, from MS. in the Admiralty Library.

Admiralty Office. 16th August, 1707.

Gentⁿ.—You having by your letter of the 14 inst. transmitted to my Secretary the surveys of her Maj^{ty}s. ships the Edinburgh and Glasgow, and given it as your opinion that the following numbers of men and guns are proper to be established on them, viz^t.:—

EDINBURGH A FIFTH RATE

Number of Men	No.
Guns Lower	}	Deck	9 6 4	Pounders	145
„ Upper					10
„ Quarter					18
					4

GLASGOW SIXTH RATE

Number of Men	No.
Guns Gun	}	Deck	6 4	Pounders	115
„ Quarter					20
					4

I do hereby signify to you my approval thereof, and do desire and direct you to cause them to be established with the said number of men and numbers and natures of guns, and enter'd and

register'd on the list of the Roy^l Navy the Edinburgh as a fifth and the Glasgow as a sixth rate accordingly.

I am,
Your affect^d friend,
GEORGE.

Ibidem.

19th August, 1707.

The Edinburgh and Glasgow to be ordered to Chatham to be refitted for Channel service, cleaned and graved and victualled for three months for the complements of men established on them.

Admiralty, I, Vol. 1824. P.R.O.

23rd August, 1707.

*Captain Thomas Gordon to the Secretary,
Westminster.*

Be pleased to communicate to his Royal Highness Council that I am informed that the masters of the ships bound for North Britain are to petition the Prince for convoy. I thought it my duty to acquaint you that the ship the Edinburgh which I command is every way in a condition to perform that service with the assistance of a new foremast, if his Royal Highness pleases to give such orders.

Admiralty, Secretary, Minutes. P.R.O.

Admiralty Office. Saturday, 23rd August, 1707.

. . . There being occasion for the Edinburgh to convoy the trade bound for North Britain, she is to be ordered to set a new foremast at the Nore, which the Navy Board are to cause to be done, and to complete her victualling to three

months for Channel service, and to furnish her with stores proper for the same upon a letter from Captain Gordon giving an account that she is fit for that service.

Upon reading the petition of John Spence master of the *John of Leith* on behalf of himself and others bound for Scotland, resolved that orders be sent to the commander of the *Edinburgh* that when she is ready for the sea he takes under his care and protection the trade bound to North Britain, and sees them safe into Leith where he is to continue till the ships he carries with him shall be ready to return, and then come with them to the Nore; and he is to bring along with him all the trade at Fraserburgh, Aberdeen and Montrose.

Admiralty I, Vol. 1824. P.R.O.

Westminster. 25th August, 1707.

Captain Thomas Gordon to the Secretary Depute to the Admiralty.

. . . I am informed at the Victualling Office that they have orders for victualling the ship *Edinburgh* for three months, 145 men. That number I have aboard of sailors, besides 50 soldiers of the Queen's footguards of North Britain. So, Sir, I humbly desire you to communicate this to his Royal Highness' Council, that they may give what further directions they think fit.

Ibidem, Vol. 1876.

To Mr. Crawley, Secretary Depute to the Admiralty.

Sir,—I humbly desire you to acquaint the Prince's Council that having notice from the

Victualling Office of orders given to them for victualling her Majesty's ship Glasgow at the rate of one hundred and fifteen men, I beg to know their pleasure anent the party of forty men of Colonel Grant's¹ regiment as to their being victualled and quartered till further orders. . . .

JAMES HAMILTON.

Admiralty, Secretary, Minutes. P.R.O.

Admiralty Office. Monday, 25th August, 1707.

. . . A letter read from Captain Gordon of the Edinburgh giving an account that he has 50 soldiers aboard of the Queen's footguards of North Britain, and another letter from Captain Hamilton of the Glasgow advising that he has 40 more of the said guards: resolved that Captain Gordon be ordered to bear them all supernumeraries for victuals during his passage to Leith, and when he comes there to return them to their proper companies, and Captain Hamilton to be ordered to put his soldiers on board the Edinburgh.

Admiralty I, Vol. 1876. P.R.O.

Sir,—I beg the favour of you to acquaint the Prince's Council that, according to orders given me, I have brought up the Glasgow under my command to Chatham in order to be docked. I find she cannot be put in until next spring, at which time the Chatham comes out whose dock is appointed for her. I have likewise put the marines formerly on board my ship on board the

¹ Alexander Grant of Grant, eldest son of Ludovick, eighth of Freuchie and of Grant, afterwards Brigadier-General and Chief of the Grants.

Edinburgh. I shall use my utmost diligence in levying seamen for her Majesty's service whether volunteers or otherwise according to my orders for bearing supernumeraries. I am on all occasions, Sir, your very humble servant,

JAMES HAMILTON.

On board the Glasgow at Chatham.
31st August, 1707.

Ibidem, Vol. 1824. P.R.O.

The Nore. 7th September, 1707.

Captain Thomas Gordon to the Admiralty.

. . . Friday last I got aboard with three months provisions for 145 men and also my stores, so the ship is in a condition of sailing. The traders bound for North Britain are all at the Nore. The wind being come in this morning west south west I have unmoored the ship and am just going under sail. On receipt of his Royal Highness order I received on board the detachment of Colonel Grant's regiment that was aboard the Glasgow, and shall accordingly turn them ashore when I arrive at Leith.

Ibidem (résumé).

Captain Gordon reached Yarmouth on 9th September and found H.M.S. Tiger, Portsmouth, Folkstone, Lark, Newport, and Penzance conveying a great many colliers. He joined the Tiger and Portsmouth, which were conveying merchantment from the Baltic, and they sailed on 10th September for the north. Gordon's ship was however damaged in a gale, and he put back and was ordered to join the Lark.

Ibidem, Vol. 1876 (résumé). P.R.O.

Captain James Hamilton to the Admiralty.

Writing to the Admiralty from Chatham on 14th September Captain James Hamilton reported that the men of the Glasgow are put on board the Britannia. The Glasgow goes into dock on Wednesday next. Till then no account can be given of her condition. He asks leave of absence for ten days or a fortnight to come to London on business, which was granted next day by the Admiralty.

Meantime the Edinburgh was refitted and on 19th September set out from Yarmouth road. On 26th she was in Burlington road near Scarborough. She arrived in Leith on the 29th; but the wind was so bad that it was 3rd October before the captain could go ashore.

Ibidem, Vol. 1824. P.R.O.

Captain Thomas Gordon to the Admiralty.

[Leith] 4th October, 1707.

. . . In the time that I was ashore waiting on the Treasury to clear my former accounts, the men mutinied and one hundred of them made their escape in boats from the shore. I acquainted the Treasurer Depute of it, who immediately ordered a party of soldiers aboard to guard what remained. The Council if possible will sit to-morrow to take methods for recovering those men that are escaped. . . . I have affixed placards in all public places for sailors to come aboard and serve her Majesty. . . .

I hear of no ships to the northwards that want convoy, nor has there any privateer been

seen on this coast of a long time. How soon I get the men back shall I execute the rest of my orders.

Ibidem.

Captain Thomas Gordon to the Admiralty.

Leith. 18th October, 1707.

. . . I got aboard twenty soldiers to guard what remained, upon my application to her Majesty's Privy Council. They issued forth a proclamation requiring the deserters to return to their duty betwixt that time and the thirteenth of this month ; if not, upon my representing their names, all magistrates were ordered to seize and secure their persons, that they might be punished accordingly. The proclamation of the Privy Council had a good effect for on the day prefixt 80 of them came aboard, so I have now 130 in complement.

The wind has been at east-south-east ever since I wrote you, till just now that it is come in to the south-west ; so in compliance with his Royal Highness' orders, I'm just weighing to go to the northwards. The ships in this firth bound for London will be ready to sail towards the first of November.

There's come to this road from Archangel one Capt. Liddell belonging to Stockton, bound for London, loaded with naval stores. He parted from the bar of Cork under convoy of three men-of-war, and was joined by the Flamburg at the entry of the White Sea. He lost company with the convoys the 25th September, north-east from Shetland fifty leagues distance, wind at east-south-east. He believes the convoys are put in to Shetland ; which is all I can be informed.

Ibidem, Vol. 1876. P.R.O.

To the Honourable Josiah Burchet, Admiralty Office.

Sir,—I presume to give you the trouble of this, begging you would inform his Royal Highness that I humbly desire he would give an order to the Navy Board bearing what time her Majesty's ship the Glasgow under my command is to enter in pay and victuals, that I may thereby be enabled to pass my accounts at the navy and victualling offices, and that his Highness would be pleased to consider the supernumeraries I carried from the first of May till his orders for recalling of them, being forty marines besides supernumerary sailors, all which from the first of May to the tenth day of August last I have victualled at my own proper cost and charge. I entreat the favour of an answer . . .

JAMES HAMILTON.

London. October, 1707.

Admiralty, Secretary, Minutes. P.R.O.

20th October, 1707.

The Navy Board to be directed to cause the Glasgow and Edinburgh to be entered into pay and victuals in the Royal Navy of England from the 1st of May last, and the Navy Board are to allow of the supernumeraries born by Captain Hamilton of the Glasgow from the 1st of May to the time of the Prince's orders for discharging them, which was the 10th August.

Admiralty I, Vol. 1593. P.R.O.

Captain Mathew¹ Campbell to the Secretary.

Honoured Sir,—Pursuant to the Earl of Wemyss, Lord High Admiral of Scotland, his

¹ Sometimes written Matthew.

orders I have been cruising about the Western Isles of Scotland since the month of March last ; and two days ago I came into Clyde, and having this day received a letter from Captain Gordon of the Edinburgh telling me that the Earl of Wemyss' commission as Lord High Admiral of Scotland was terminat by his Royal Highness being made Lord High Admiral of Great Britain, according to my duty I humbly desire that you will be pleased to send me his Royal Highness' orders for my better government, which shall be duly observed. I beg pardon to let you know that the Dumbarton Castle which I command is much out of order for want of several necessars, and that it will be very hard for any ship to cruise in the winter where I have been this summer. I shall keep her in a sailing posture and my men aboard undischarged till I have further orders, which I shall long look for. Pray let me know if that I am to renew my commission being formerly from her Majesty. I would have writ before now, but having my frequent orders from my Lord Wemyss, and being a stranger to the methods of the Admiralty of Great Britain, I beg pardon and am, Honoured Sir,

Your most humble servant,

MATHEW CAMPBELL.

Direct my orders for Mr. Alexander Campbell, merchant in Edinburgh. Glasgow, 22nd October, 1707.

Ibidem, Vol. 1824. P.R.O.

Leith. 30th October, 1707.

Captain Thomas Gordon to the Secretary.

Being informed there were no merchants ships in the Orcades, I cruised to and against Buchan-ness. Sometimes I was put with bad gales of

wind ten leagues to the north of that. In all that way I could not discover one ship, although sometimes I stood off to sea twelve leagues to have looked for some of the straggling Russia ships. I was turning up to the windward six leagues to the northward of Montrose on the 20th, in the afternoon, I met her Majesty's ships the Folkstone and Penzance. They were bound to the northward, wind at south-west. For the good of the service I put aboard the Folkstone one of my mates for a pilot, they being altogether strangers on that coast.

This morning I arrived in the road, and have received his Royal Highness new orders, which I shall execute how soon the trade are ready, which I expect in two or three days.

Ibidem, Vol. 1876. P.R.O.

Captain James Hamilton to the Secretary.

Sir,—It having been very difficult of late to find sufficient numbers of able seamen towards the manning her Majesty's fleet, I think it my duty humbly to lay before his Royal Highness what help may be expected from North Britain in that matter, and how far my endeavours may be useful in it. Therefore I humbly beg the favour of you to communicate this to his Highness and Council, first that the method of impressing may not be used there except in cases of absolute necessity, but on the contrary that encouragements be made to them by giving them their Majesty's bounty as usual, and that as far as can be well done assurances be given them of being discharged when the present exigencies of the service can allow it. It is likewise proper that those employed in making these levies be people acquainted

with them and known to them. I have reason to believe that if I were sent down myself I could undertake to make two hundred able seamen, if not more, in the western parts of the country, besides what might be had from the east. I hope his Royal Highness will pardon my boldness in this, it proceeding from my devotion and zeal for the service of her Majesty. . . .

JAMES HAMILTON.

London. 11th November, 1707.

Ibidem, Vol. 1593. P.R.O.

Captain Mathew Campbell to the Secretary.

Honoured Sir,—My last of the 22nd October past which I am hopeful has come safe to your hand to which refers. Having since considered that my under officers such as lieutenant boswine¹ carpenter and gunner will want their warrants or commission, I presume to beg the favour to send me them blank, that I may fill them up with such men as I know to be sufficiently qualified.

In my last establishment I had only eighty-nine seamen allowed me and twenty-five soldiers. And now my soldiers being ordered from me I hope you will take care there be more men allowed, for my complement is too small, and that you will do me the favour as to send me the establishment of pay as is on board such ships as I command, for I think it will differ from what it was before. The ship will want a great many things, if should be ordered out this winter. I do still keep my men on board waiting orders, which I daily expect. Pray do me the

¹ Boatswain.

favour that with your instructions I may have
a press warrant, and I am, Honoured Sir,

Your most humble servant,

MATHEW CAMPBELL.

Port Glasgow. 12th November, 1707.

Ibidem.

*Captain Mathew Campbell to Prince George
of Denmark.*

May it please your Highness,—I have been
since March last a-cruising in my station from the
Bay of Dublin to the Isle of Tory in the north of
Ireland. Having had my orders from my Lord
Wemyss, and now knowing that your Highness
does give me further instructions, I make bold
to let your Highness know that I am here with
the ship. I shall keep my men entire on board
to wait your Highness' commands. I beg your
Highness' pardon, being at sea in my station, that
I could [not] write your Highness sooner, &c.

MATHEW CAMPBELL.

Portglasgow. 12 November, 1707.

Annexed is given

*Account of the Officers names on board her Majesty's
Ship the Dumbarton Castle.*

Captain Mathew Campbell.

Robert Russell, Mr. and Lieutenant.

Michael Gogar, Gunner.

James Mcinnlay, Boston.¹

John Gray, Cook.

John Campbell, Doctor.

Memorandum for Mr. Burchett to send com-
missions for the above officers and direct them

¹ Boatswain.

to Colin Campbell of Blythwood, provost of Renfrew, who will take their oaths as you please to direct.

Ibidem, Vol. 1824. P.R.O.

Captain Gordon sailed from Leith on 14th November in company with H.M.S. Dreadnought and Leopard, and reached the Nore 19th November, 1707, from which he wrote the same day to the Secretary:—

The weather beginning to turn surly, we came to an anchor in Kirkcaldy road, where we lay until four o'clock next morning, wind then at north west. At twelve that day we had a violent storm at north. At eight at night I made the signal for lying at Frye, being the Coquet island, and lay so until morning, but the merchant ships durst not bring to, the sea being high. At day, I found myself to leeward of the Bar,¹ and could not see any of the trade. So I made sail to the southward. About four at night I came up with Flamborough head and found my convoy in Burlington bay, where we also joined the Russia ships. The 17th we came to an anchor at Winterton, where I was forced to leave an anchor and cable, and at three this afternoon I came to an anchor in this road, where I shall wait his Royal Highness further orders. In the meantime be pleased to acquaint his Royal Highness that the ship has suffered much in the bad weather we had to the northward, and wants to be repaired.

¹ Tynemouth.

Ibidem.

Captain Thomas Gordon to the Secretary.

The Nore. 23rd November, 1707.

I have received his Royal Highness' orders to join the *Faversham*, and to go to the northward in her company, in pursuance of which I have sent my purser express to London for dispatching my provisions down with all expedition. The ship being judged unfit for going to sea, until repaired, I ordered my officers to make demands only for what was absolutely necessary for performing my voyage to North Britain. The bad weather I had on said voyage did not only shatter the ship much, but wasted most of the stores aboard. I entreat you to acquaint his Royal Highness with the ship's circumstances, that there may be orders sent down to furnish me with what is wanting.

I wrote you formerly that several of our men had deserted when in Leith roads, so that I now want seventy of my complement; and those who are aboard are not to be trusted, for they have got a notion of being sent to the West Indies, which frightens them mightily. In my humble opinion the only way to prevent a further desertion is to change sixty or seventy of the men I have on board with as many South Britons, for which I earnestly desire an order to any of her Majesty's captains for making said exchange; and if his Royal Highness think fit, I humbly desire seventy-five marines, one sergeant, one corporal and a drum. Then I doubt not to recover the men that deserted, but also to procure sixty or seventy more. I shall always endeavour to advance her Majesty's service as far as I'm capable, which I have faithfully done hitherto.

Admiralty, Secretary, Minutes. P.R.O.

28th November, 1707.

A commission to be prepared for Captain Mathew Campbell to be master and commander of the Dumbarton Castle, Mr. Robert Russell lieutenant, Michael Gogar gunner, Jno. Read carpenter, James Mcinnlay boatswain, Jno. Gray cook, and Jno. Campbell surgeon, the which commission and warrants except the surgeon and cook (which the Navy Board are to appoint, and first the surgeon is to be examined) to be sent to Colin Campbell of Blythswood Esq., provost of Renfrew, with power to him to give them the oaths and test.

Resolved that it be considered what orders may be fit to give to the captain of the Dumbarton Castle to come from Glasgow and a press warrant to be sent to him, and he is to be acquainted that he is now to come upon the establishment with other 6th rates.

29th November, 1707.

The Dumbarton frigate to go from Glasgow to Kinsale and refit and victual for Channel service, and the Navy Board to send to the Commissioner at that port to report his opinion what numbers of men and numbers and natures of guns may be proper for her.

5th December, 1707.

The Navy Board to be directed in answer to their letter of the 4th inst. to cause the Dumbarton frigate, one of the three ships of North Britain, to enter into pay and victuals as a ship of the Royal Navy from the first of May last.

Admiralty I, Vol. 1824. P.R.O.

Sheerness. 27th November, 1707.

Captain Thomas Gordon to the Secretary.

I have been with the officers of the guard, who gave their opinion to the Navy Office the 12th that the ship required to be in a dry dock. They have this day acquainted the Commissioners of Chatham of their opinion. For pursuance of his Royal Highness' orders to join the Faversham I gave in my demands for what was wanting, which Commissioner St. Loe ordered, there being one boltsprit, new 'forshreds,'¹ and mizzen yard wanting. The new ones were provided and in the ship put in order to be refitted in all haste, so that the ship can't be in a condition to come in to-morrow. So I desire you'll be pleased to communicate this to his Royal Highness and Council, that there may be what further orders sent me as his Royal Highness shall think fit.

Ibidem.

Chatham. 12th December, 1707.

Captain Thomas Gordon to the Secretary.

I have brought the ship under my command to Chatham, and have put her in condition for the dock. All the docks here are full at present, and the master builder can't as yet determine when any of them can be cleared. In the meantime he is to haul her to the jetty, and do all to her that can be done. Com. St. Loe is to order my men on board one of the great ships, where there shall be such care taken that none of them shall desert.

¹ Foreshrouds.

My private affairs press me to be at London ; so I humbly entreat that his Royal Highness would be pleased to give me liberty to come up for some few days.

Ibidem, Vol. 1593. P.R.O.

Captain Mathew Campbell to the Secretary.

Sir,—Yours of the 28th ultimo and the 1st instant I have received, whose contents I do observe with his Royal Highness' orders for me to proceed to Kinsale, which would have answered the receipt of all before now, but I was ordered by the Council of Scotland to fit out in pursuit of a privateer which was on the coast lately, and have been kept aboard by bad weather these fifteen days past and could not get on shore. There are several things I must have for the ship before I can proceed, which I shall provide and give you account of next post, with what is already due me since the government here left off paying me. I have made no alterations on my colours, not having any orders. This night I have received my commission as likewise my officers, and have taken the oaths.

I am, &c. . . .

MATHEW CAMPBELL.

Glasgow. 15th December, 1707.

Ibidem, Vol. 1876. P.R.O.

Captain James Hamilton to the Secretary.

Sir,—I have taken possession of her Majesty's ship the Lark according to his Highness commission, and am now turning over the Glasgow men into her. . . . I find the ship in a readiness to go to sea in eight days at furthest. . . . All the officers

of the Glasgow are extremely desirous to go along with me particularly the lieutenant and boatswain. . . . If this can be done, and the lieutenant of the Lark has no mind to go the voyage, it will be the greatest favour in the world done me. . . .

JAMES HAMILTON.

[26th December, 1707 (?)]

Ibidem.

Captain James Hamilton to the Secretary.

Sir,—I just now have the honour of yours with the enclosed order from his Royal Highness to proceed to the Downs and Spithead of the date December 26. . . . There are fifty-five of the Glasgow's men that are desirous to go, which I have discharged into the Lark, and ordered the like number of the Lark's into the Glasgow. In my last I mentioned my desire to have my own lieutenant to go along with me whose inclination is the same. If this can be done it will be a most particular favour to me. My former gunner and boatswain entreat the same favour. The ship will be ready to sail in eight days. . . .

JAMES HAMILTON.

Sheerness. 28th December, 1707.

Ibidem, Vol. 1824. P.R.O.

On 20th January, 1707-8, Captain Gordon reported from Chatham that the Edinburgh had been opened up in several places and found very defective :—

The master builder hath this day sent a report to the Navy Board of the ship's circumstances, and there must be a great repair, or she must be rebuilt, for which purpose he hath wrote to the Board for a survey. There will be no necessity

for my being here for some time ; therefore I desire you will please communicate this to his Royal Highness that I may have leave to come to town.

My officers and men are all on board the *Britannia* in good order. I shall take care to leave such directions that there shall be nothing done amiss during my absence.

Ibidem, Vol. 1593. P.R.O.

Captain Mathew Campbell to the Secretary.

Sir,—My last was the 22nd past. Since, nothing here but very bad weather, that I had much ado to keep the ship from going ashore. The weather seems now to prove a little better, and with the first fair wind I design to make the best of my way for Kinsale, where I do expect your further orders about the refitting of the ship. I hope you will forward the payments of my accounts being considerable in advance, and much more before I can come to Kinsale, having not charged anything further than the 5th January. I do expect to have orders when I come to Kinsale to draw for my provisions on the Victualling Office as frequent as others do. If the wind offer, I hope my next shall be from Kinsale.

I am, &c. . . .

MATHEW CAMPBELL.

Glasgow. 12th January, 1707-8.

Ibidem.

Captain Mathew Campbell to the Secretary.

Sir,—My last from Glasgow giving an account of the badness of the weather, and that I was

ready to sail. I parted from thence the twenty-sixth past, and upon the twenty-eight I was put into Carrick-fergus Lough with contrary winds. The second instant I came out, and upon the fourth I arrived here, and yesterday I was mustered on board ninety-five men by Joseph Benner, which with twenty-five marines I had formerly on board, and was now obliged to put them on shore at Glasgow, made up my full complement at my arrival here. I did see an order from the Commissioners of the navy to establish the Dumbarton in the navy since May last. But, Sir, know that I was paid by the government of Scotland until the fifth of September last, and have only charged since that time in my accounts sent up to the fifth of January. I do expect for the time to come full power to draw for my provisions as others do. I have gotten the carpenters upon the ship, and shall advise you from time to time. In my passage hither I did not see one sail. The wind this day at north-north-east.

I am, . . .

MATHEW CAMPBELL.

Kinsale. 6th February, 1707-8.

Endorsed on margin.—To be put upon the establishment of the navy from the time he is paid.

Ibidem.

Captain Mathew Campbell to the Secretary.

Sir,—I received yours with the Prince's order to follow such as I should receive from my Lord Lieutenant of Ireland, or in absence the Lord Chief Justices, which I have acquainted them, as also yours of the 26th past, wherein you say that I must victual as I have occasion at Kinsale

from 'time to time. If should be ordered to the north station it will be a great loss of time to come here ashore to clean or victual, but I suppose my Lord Lieutenant will take care of that. Most ships on this station hath power to carry supernumeraries. I do not question but it may fall in my way to be as serviceable as another, which if I have your orders shall be faithfully complied with.

It will be April before I shall be clear here.

I am, &c.,

MATHEW CAMPBELL.

Kinsale. 12th March, 1708.

Ibidem.

Captain Mathew Campbell to the Secretary.

Sir,—I received yours with the Prince's orders to bear supernumeraries. I shall now in three days be clear to sail, having according to your orders to me taken aboard three months provisions and stores as near as possible. But last past I had an order from the Lord Chief Justices to go to Cork, and take in some ordnances and stores of war to carry to Dublin, which I am sorry I could not comply with, the ship being as full as she can handsomely go to sea with provisions and stores, and was obliged after I bought my provisions to send some on shore for want of room, which I hope will excuse me for not complying with their Excellencies order. The ship being very small and but one deck, it is as much as she can carry three months provisions and stores. I must remain here until their further orders.

I am, . . .

MATHEW CAMPBELL.

Kinsale. 6th April, 1708.

Ibidem.

Captain Mathew Campbell to the Secretary.

Sir,—On the 26th past I came out of Kinsale bound for Dublin according to my Lord Chief Justices' orders with six sail of merchant ships that were bound to Dublin and Waterford. About four in the afternoon five leagues from Waterford we saw a sail, and brought to for our small fleet being a little astern, which came up with me ; but at the same time the other which proved to be a privateer from Brest of forty-two guns, four hundred and fifty-six men, came up with me. She was formerly belonging to England called the Jersey a fourth-rate. By the small diversion I gave him the merchant ships got all safe to Waterford. He shot away the head of my main mast and top gallant mast. I was obliged to surrender, being impossible to get away or defend myself, having but 92 men and boys aboard. On the 29th we went for Dublin expecting to have found some of our men-of-war in the bay, but none being there we came out again and cruised in the Channel for six days in bad weather, and got only two small ships which he ransomed ; and on the 8th instant we came again the length of Waterford, and at four in the morning we spied three ships which we gave chase to, but when we came pretty near them found them to be the Shoram, Arundell, and Penzance. He haled the wind, and they gave us chase, but in two watches time we almost run them out of sight, and came the length of Scilly where we cruised for 3 days betwixt that and Husant.¹ On the tenth we met

¹ Ushant in Brittany.

a Dutch privateer of 38 guns about 15 leagues from Scilly, who fought for about half an hour, and at last made his escape by his good sailing. On the 12th we came in here, having lost company with the Dumbarton at sea. I hear she has got into Morles¹ ten leagues from Brest. The captain's name is Casart. He tells me that he is to go back again and get another ship with him of 50 guns to meet our ships in the Channel. I am kept prisoner in the castle in a very bad lodging since I came here, but shall hope for some speedy relief. This is all the melancholy account I can give you.

I am, &c. . . .

MATHEW CAMPBELL.

St. Malo Castle. 14th May, 1708.

To Josias Burchet, Secretary to his Royal Highness Lord
High Admiral of Great Britain. London.

Ibidem.

Captain Mathew Campbell to the Secretary.

Sir,—I have writ two sundry times to you since I came to St. Malo of my misfortune of being taken by the Jersey privateer of forty-two guns, four hundred and fifty-six men, which I hope may have come to hand. I was sent to this place three days ago, and resolve to stay here till the transport comes. The same privateer has gone back again with his consort of fifty guns for the coast of Ireland as he told me—being the needful from,

Sir, your most humble
and most obedient servant,

MATHEW CAMPBELL.

Dinan. 28th May, 1708.

¹ Morlaix.

Ibidem, Vol. 1594. P.R.O.

Captain Mathew Campbell to the Secretary.

Sir,—I have taken all the pains possible to see if any of my officers were to be found, but all the account I have got of them is that they are gone from North Britain to Russia, so that I beg the favour as to have the benefit of the court martial that is now to be. My long confinement in France requires me a little dispatch, which will singularly oblige,

Sir, your &c. . . .

MATHEW CAMPBELL.

22nd June, 1709:

Noted on Letter.—R. Admiral Baker to try the loss of the ship he commanded.

Ibidem.

Captain Mathew Campbell to the Secretary.

Sir,—I acknowledge your favour in forwarding my court martial, and think it my duty to acquaint you that since my attendance yesterday I have been informed that some of my sailors on the Dumbarton are now at Plymouth on board the Diamond, particularly Joseph Red quarter-master. I am very desirous to be acquitted in the best manner, and if it be better and more convenient to have witnesses of the fact I will grudge no expence to bring him or more of them to the trial, if you please to give me authority for that purpose. My being as yet much a stranger to the rules of the Navy obligeth me to presume upon your goodness to which this is humbly submitted by, Sir, &c. . . .

MATHEW CAMPBELL.

London, June 23rd, 1709.

Written on letter.—Captain Walker to order the Captain of the Diamond to send up Joseph Ridge and any two men that can best give an account of the loss of the Dumbarton, and to do it immediately, R. Admiral Baker having orders to try the same.

Ibidem, Vol. 5267. P.R.O.

Court Martials—Mathew Campbell.

At a court martial held on board her Majesty's ship the Stirling Castle at St. Hellens road the 21st of July, 1709.

Present :—

The Honourable John Baker Esq., Rear Admiral of the Red Squadron of her Majesty's fleet &c. President.

Captains	{	James Littleton	Rd. Hughes
		Rd. Haddock	Robt. Bowler
		Edw. Rumsey	Henry Blinston

All duly sworn purst. to a late Act of Parliament.

Enquiry was made by this court into the occasion of the loss of her Majesty's late ship the Dumbarton Castle, whereof Captain Mathew Campbell was commander, which was taken by a French privateer of forty-four guns off Waterford 26th of April, 1708, having under convoy several merchant ships bound thither; and after having strictly examined the evidence upon oath, and considered the whole matter, it appeared that the said Captain Campbell used his best endeavour to preserve the said ship, and the occasion of her being taken was the great inequality of the enemy's force. The court have therefore acquitted him the said Captain Campbell as to the loss of

the said ship, and also the rest of the officers, nothing being objected against them.

Signed by all the members of the court and the Judge Advocate.

Ibidem, Vol. 1594 (résumé). P.R.O.

In November, 1709, Captain Campbell applied to the Lords of Admiralty for payment of the victualling of the Dumbarton Castle from 5th September, 1707, to 5th January, 1708, allowed at 7*d.* a day per man by the Prince, and from 5th January to 26th April when he and his ship were captured. He prays them to order the Commissioners of the Navy and Victualling Office to pay him his full debt. On 20th April, 1710, he again writes them desiring that his victualling affair may be settled. On 6th July, 1710, writing from London, he again applies for a settlement. He says that the Commissioners make his account £197 while he makes it £420, the Commissioners having charged him with the provisions on the ship when she was taken. He is willing to take the bills with interest, but this they will not give. He appeals that his case is different from ordinary pursers, as he was obliged to be in advance after the Union before he could come to any victualling office. He has been out of his money 30 months, and to take bills without interest is very hard. He continues 'my affairs in North Britain being in some disorder by my long absence, I beg their Lordships will allow me to go there for some time.' The application was referred to the Commissioners and he was granted leave to go to North Britain. On 13th July, 1710, he writes their Lordships that he has been at the Victualling Office for his bills with

interest, but they have no orders. 'I shall be obliged,' he says, 'to discount their bill before I go away, which I cannot do under fifty per cent. without it bears interest, which I hope [they] will consider and not let me be too great a loser.' Though this letter was endorsed 'to be allowed interest,' he again writes on the 20th of the same month from London asking interest on the bills.

CHAPTER VII

The LORD HIGH ADMIRAL and the HIGH COURT OF ADMIRALTY OF SCOTLAND: Commissions from 1689 to 1707.

INTRODUCTION

ON his succession at the Revolution King William treated the office of Lord High Admiral of Scotland as vacant. War was in progress with France, and as the Admiralty Courts had to exercise jurisdiction he proceeded on the royal prerogative. A blank warrant for a gift of the office of Judge Admiral was issued by him on 7th December, 1689; and on 15th December, 1690, he appointed Mr. William Dundas, advocate, to the office of Judge Admiral. The Admiralty was in course filled up by the appointment on 3rd March, 1692, of the Duke of Hamilton as Lord High Admiral. That nobleman held the office until his death on 19th April, 1694. During this period the executive naval functions of the Admiralty and the Lord High Admiral were more or less nominal, these functions being exercised by the Scots Privy Council. Soon after the Duke of Hamilton's death the office was put into commission; and there was now a real attempt made to put into the hands of the new Commission extensive executive powers of a purely naval character. Some of these powers have incidentally been referred to in chapter iv; and the warrant for a new

commission issued on 7th January, 1697, is instructive as showing that real executive powers in the management of the navy of Scotland, which had previously been exercised by the Privy Council of Scotland, were conferred on that Commission. These powers comprehended the provision of convoys for merchant shipping and of cruisers to guard the coasts. The issue of commissions to men-of-war and their officers, of letters of marque to privateers, the latter subject to the approval of the Privy Council, also fell within the scope of the Admiralty Commission. The royal prerogative and right to appoint the Judge Admiral was also transferred to the new Commission. The Commissioners on 14th August, 1695, appointed Mr. Archibald Sinclair, advocate, Judge of the High Court of Admiralty, an appointment afterwards confirmed and continued by the king. On his demission he was succeeded on 1st August, 1699, by Mr. Robert Forbes of Learnie, advocate, an appointment confirmed by the king on 30th November that same year.

When Queen Anne succeeded, the war of the Spanish Succession was beginning, and the policy of having the Admiralty in commission was for a time continued. On 17th July, 1703, a blank warrant reconstituting the commission was issued. At the same time a royal warrant for a commission to Hugh Cunninghame to be principal clerk to the High Court of Admiralty in succession to the deceased John¹ was issued, on the narrative that the right of Admiralty and of appointing judges, clerks and other officers belongs only to the Queen and that the title thereof was only honorary in the person of any other. The Duke of Richmond's claim to the office of Lord High Admiral was now emerging, and seems by 5th February, 1705, to have been conceded. It is certain that on 21st October, 1702, six days after the death of Frances Duchess of Lennox, Charles Duke of Lennox and Richmond issued a commission in favour of Daniel Hamilton to be principal clerk of the High Court of Admiralty, and on 17th February, 1704, issued commissions to Sir Robert Forbes and Mr. James Graham, advocates, to be judges

¹ John Cunninghame of Enterkine.

or the same court. These commissions were confirmed and ratified by the queen on 5th February, 1705. It appears from a MS. memorial about the rights of naming the admiral clerk, dated 1717 and preserved in H.M. Register House, Edinburgh, that Queen Anne purchased the office from the Duke of Richmond and thereafter confirmed the judges' and clerk's commissions from the duke by commissions under the Great Seal. At the same time the reform of an Admiralty Commission was given up, and on 23rd February, 1705, James Marquis of Montrose was appointed Lord High Admiral of Scotland at a salary of £1000 sterling per annum. He was succeeded on 7th March, 1706, by David Earl of Wemyss, who received a salary of £600 sterling; but there were excepted from his jurisdiction Orkney and Zetland, which were gifted on 12th August, 1706, to James Earl of Morton as Admiral and Judge of Admiralty, while the claims of the Duke of Argyll to certain jurisdiction were also reserved. During Queen Anne's reign the most outstanding event in the history of the Scots High Court of Admiralty was the trial and condemnation by that court, in the spring of 1705, of Captain Green of the English ship Worcester and some of his crew on a charge of piracy and murder, resulting in his execution with two others.

In May, 1707, with the Union of the Parliaments, we have already seen that the office of Lord High Admiral of Scotland, so far as it exercised executive naval authority, was absorbed in that of Lord High Admiral of Great Britain, held by Prince George of Denmark. In terms of section 19 of the Treaty of Union the Court of Admiralty in Scotland was continued with the same powers and jurisdiction, and subject to the old review of its judgments, until Parliament should make such regulations and alterations as were expedient for the whole kingdom. The court accordingly continued to exercise its ancient jurisdiction until 1828 and 1830, when the statutes 9 Geo. IV. c. 29, and 1 William IV. c. 69, abolished it. The jurisdiction of the High Court of Justiciary was then extended to all crimes and offences competent to the superseded Court of Admiralty; and the old civil

jurisdiction of the Admiralty Court was transferred to the Court of Session, actions under a certain value being authorised in the first instance to be raised in the Sheriff Courts, which had also criminal jurisdiction conferred on them within their respective areas.

CHAPTER VII

Warrant for a gift of the Office of Judge of the High Court of Admiralty in Scotland in favour of . . .

State Papers (Scotland) Warrant Books, Vol. XIV.

WILLIAM R.—Our Sovereign Lord and Lady ordain a commission to be past, and expeded under their Majesties' Great Seal of their ancient kingdom of Scotland in due form nominating making and constituting, likeas their Majesties by these presents nominate make and constitute to be Judge of their Majesties' High Court of Admiralty of their said kingdom and isles thereof, including the Isles of Orkney and Zetland, giving and granting unto him the said office with all fees, casualties, profits, emoluments and duties thereunto belonging to be enjoyed by him during their Majesties' pleasure only; with power unto him to hold courts, to pronounce and give forth decreets and sentences conform to the laws of the said kingdom, and privilege and practice of the said High Court of Admiralty in all actions and causes competent to be decided therein, and generally all and sundry other things belonging and competent to the said office to do, use and exerce¹ sicklike and as fully and freely in all respects as any other Judge of the said High Court of Admiralty has, or have formerly done by

¹ Exercise.

the laws and practique of the said kingdom ; and ordain this commission to continue and endure during their Majesties' pleasures only, and to be past and exped under the Great Seal of the said kingdom per saltum without passing any other register or seal, for which these presents shall be to the directors of their Majesties' Chancellary, and their deputes for expediting thereof, and the Lord High Chancellor, or Lords Commissioners appointed for keeping the Great Seal for the time being and to the appender for causing the same to be appended thereunto a sufficient warrant. Given at the Court at Kensington the 7th day of December 1689 and of their Majesties' reign the first year.

Minutes of the Privy Council of Scotland.

Edinburgh. 25th June, 1691.

Mr. William Dundas made Judge Admiral.

Mr. William Dundas of Kincavell,¹ advocate, having presented to the Lords of their Majesties' Privy Council a gift in his favour passed under their Majesties' Great Seal nominating and appointing him to be Judge of the High Court of Admiralty within this kingdom and isles thereof, including the Isles of Orkney and Zetland, dated the fifteenth of December, 1690, and the same being this day read in presence of the said Lords and the said Mr. William, who was at hand attending to receive the Council's pleasure and commands, being called in did in presence of the said Lords swear and sign the oath of allegiance, and also

¹ In Linlithgowshire. The third laird who was out in the Fifteen purchased Blair in Perthshire, and this branch of the Dundas family is now designated of Blair.

signed the assurance to their Majesties King William and Queen Mary appointed by Act of Parliament, and the Earl of Craford, president of the Council for the time, having administered to the said Mr. William Dundas the oath *de fidei*, he was admitted to the said office, and the Earl delivered to him his Majesty's commission foresaid in his favour.

Follows the tenor of the said Mr. William's gift :

GULLIELMUS ET MARIA Dei gratia Magnæ Britanniae, Franciae et Hyberniae Rex et Regina, fideique defensores, omnibus hominibus, ad quos presentes literæ nostræ pervenerint, salutem. Noveritis nos nominasse, fecisse et constituisse, tenoreque presentium nominare, facere et constituere dilectum nostrum Magistrum Gullielmum Dundas de Kincavell, Advocatum, Judicem supremæ nostræ Curiae Admiralitatis intra hoc antiquum regnum Scotiae et Insulas ejusdem, includentes Insulas Orcadum et Zetlandiae, ac damus et concedimus illi praedictum officium, cum omnibus feodis, casualitatibus, proficuis et emolumentis quibuscunque eo attamen ab ipso potiundum durante nostro duntaxat beneplacito, cum plena eidem potestate curias tenendi, sententias et decreta secundum leges dicti nostri regni ac privilegium et praxin dictæ nostræ supremæ Admiralitatis Curiae pronunciandi ac proferendi in omnibus actionibus et causis ibidem ei judicari competentibus, et generatim omnia et singula alia ad dictum officium spectantia et competentia faciendi, utendi et exercendi similiter adeoque libere et plenarie in omni respectu ac quivis alius Judex dictæ nostræ supremæ Admiralitatis Curiae per leges et praxin dicti nostri regni fecit

aut quovis tempore preterito facere potuerit ; atque hanc nostram commissionem durare et continuare volumus durante nostro duntaxat beneplacito. In cujus rei testimonium presentibus magnum sigillum nostrum appendi mandavimus, apud Aulam nostram de Kensingtone, decimo quinto die Decembris anno Domini millesimo sexcentesimo et nonagesimo regnique nostri anno secundo. Per signaturam manu S.D.N. Regis suprascriptam. WILLIAM, REX.

Written upon the back as follows :—Written to the Great Seal and registered the twenty-fifth day of June 1691, *Sic subscribitur*, DUNC. RONALD, Dept. Sealed at Edinburgh the twenty-fifth day of June, 1691, *Sic subscribitur*, ALEXR. INGLIS.

State Papers (Scotland) Warrant Book, Vol. XV, p. 118, No. 154.

Warrant for a Gift of the office of Lord High Admiral of Scotland to William Duke of Hamilton.

WILLIAM R.—Our Sovereign Lord and Lady considering that the office of High Admiral of their ancient kingdom of Scotland and of all the isles thereof, including and comprehending the Isles of Orkney and Zetland, is in their Majesties' hands and at their royal gift and disposal, and their Majesties taking into their consideration the great courage and conduct together with the eminent loyalty and other qualifications requisite for such a trust and office of their right trusty and entirely beloved cousin and councillor William Duke of Hamilton president of their Majesties' Council, and also considering the frequent proofs and testimonies of his true zeal and affection to their Majesties' service and interest : Therefore

and for several other important causes and considerations their Majesties ordain a letter of gift to be made and past under the Great Seal of their said ancient kingdom nominating, making, constituting and ordaining, likeas their Majesties by these presents nominate make constitute and ordain their said right trusty and entirely beloved cousin and councillor William Duke of Hamilton (during their Majesties' pleasures only) High Admiral of the said kingdom of Scotland and isles thereof, comprehending and including the Isles of Orkney and Zetland and all other isles belonging to the said kingdom, giving granting and disposing, likeas their Majesties by these presents give grant and dispoise unto the said William Duke of Hamilton during the space foresaid the said office of High Admiral with all honours, dignities, jurisdictions, liberties, privileges and immunities, fees, casualties, profits and duties whatsoever belonging or which are or may be known to belong into the same, with power to the said William Duke of Hamilton, during the space foresaid, to possess and enjoy the said office with all honours, dignities, jurisdictions, liberties, privileges, profits and casualties whatsoever belonging thereunto, in the same manner and as fully and freely in all respects as any of his predecessors in that office did, or might have done according to the laws of that kingdom; and ordain the said letter to be further extended in the most ample and best form with all clauses needful, and to pass the Great Seal per saltum, without passing any other seal or register: For doing whereof these presents shall be to the directors of their Majesties' Chancellary and their deputes for writing the same, and to the Lord High Chancellor for causing the Great Seal to be

appended thereunto a sufficient warrant. Given at the Court at Kensington the 3rd day of March 1691-2 and their Majesties' reign the 3rd year. . . .

JO. DALRYMPLE.¹

Ibidem, Vol. XVI.

Warrant for a ratification and new gift of the office of Judge of the High Court of Admiralty in Scotland in favour of Mr. Archbald Sinclair.

WILLIAM R.—Our Sovereign Lord considering that the Commissioners appointed by his Majesty for executing the office of Lord High Admiral of his ancient kingdom of Scotland have nominated and constituted Mr. Archbald Sinclair, advocate, to be Judge of the High Court of Admiralty of his said kingdom by their commission granted to him dated the fourteenth day of August ninety and five years, and his Majesty being well informed and assured of the ability, fidelity, carefulness and loyalty of the said Mr. Archbald Sinclair, and of his knowledge in maritime affairs and fitness for exercising the said office; therefore his Majesty ordains a letter of gift to be past under Privy Seal of his said kingdom not only ratifying approving and confirming, likeas his Majesty by these presents ratifies approves and confirms the foresaid commission granted to the said Mr. Archbald Sinclair in the hail² heads articles and clauses thereof, but also for the early and constant proofs the said Mr. Archbald has given of his loyalty and affection to his Majesty's person and government, and the other good services done and performed by him to his Majesty, his Majesty of his certain knowledge and proper

¹ See note on p. 86.

² *Scots* term meaning whole.

motive of new again nominates constitutes and appoints the said Mr. Archbald Sinclair, during his Majesty's pleasure only, to be Judge of the said High Court of Admiralty within the foresaid kingdom of Scotland and isles thereof, including the Isles of Orkney and Zetland ; and his Majesty gives and grants to him the foresaid office with all fees, casualties, profits and emoluments whatsoever thereto belonging, with full power to the said Mr. Archbald Sinclair to set, affix, hold and continue Admiral Courts, administer and do justice therein in all actions and causes civil and criminal competent to be intended and pursued before him as Judge foresaid, conform to the laws and practise of the kingdom, and the privilege of the said High Court of Admiralty, acts to make, decreets and sentences to pronounce, and the same to due execution cause be put ; and generally all and sundry other things pertaining and belonging to the said office to do use and exercise sicklike and as freely in every respect as any other Judge of the said High Court of Admiralty by the laws and practise of this kingdom did or might have done at any time heretofore : And moreover our said Sovereign Lord considering that the said High Court of Admiralty is by Act of Parliament in the year 1681 declared a sovereign court, and that the Estates of the last session of this current Parliament have recommended to his Majesty to appoint such a competent salary forth of the first and readiest of the imposition laid upon the tunnage of ships by an act of the former session of the said Parliament, as his Majesty in his royal wisdom should think fit, therefore and for the said Mr. Archbald Sinclair his further encouragement his Majesty has given granted and appointed, and hereby gives grants and appoints

the sum of one hundred pounds sterling money to be paid to the said Mr. Archbald Sinclair yearly as a salary for exercising the said office, and that out of the first and readiest of the abovementioned imposition laid upon the tunnage of ships during his Majesty's pleasure and the foresaid imposition, and his Majesty doth hereby ordain the general receivers or any others already or hereafter to be appointed for uplifting the foresaid imposition to make payment to the said Mr. Archbald Sinclair of the foresaid salary yearly, beginning the first year's payment of the same at the term of Whitsunday next for the year immediately preceeding, and so forth yearly in time coming at the said term and during his Majesty's pleasure and the foresaid imposition, for doing whereof this shall be to all concerned a sufficient warrant. And lastly his Majesty ordains this present gift and commission to be recorded in the books of the said High Court of Admiralty. Given at his Majesty's Court at Kensington the 18th day of November 1696 and of his Majesty's reign the 8th year.

May it please your Majesty, &c.

These contain your Majesty's warrant for a gift to be past under your Privy Seal of Scotland, &c.

JA. OGILVIE.¹

Ibidem.

Warrant for a new Commission to the persons within named, to be Lords Commissioners of the Admiralty.

WILLIAM R.—Our Sovereign Lord considering how much the interest advancement and security of trade within his Majesty's ancient kingdom

¹ See notes, pp. 107 and 213.

of Scotland doth now in these times of war depend upon the right and careful administration of the office of Admiralty within that kingdom; whereby not only the carrying on of trade, in the many difficulties that do now attend it, may be better seen to, but its security and the safety of merchant ships much better provided for, by the setting out and well ordering of convoys and ships for guarding the coasts, and that the said office be intrusted to persons of known sufficiency and ability for discharging the same; and his Majesty, being fully satisfied that the persons afternamed are every way qualified and fitted for the foresaid trust, does therefore ordain a commission to be past under the Great Seal of the foresaid kingdom nominating and appointing, likeas his Majesty hereby nominates and appoints his right trusty and right well beloved councillors Patrick Lord Polwarth Lord High Chancellor of his said kingdom, his right trusty and well beloved cousin and councillor George Earl of Melvill Lord President of his Majesty's most honourable Privy Council, his right trusty and well beloved councillors John Lord Beilhaven, Sir James Steuart his Majesty's Advocate, Sir John Maxwell of Pollock, Sir Archibald Hope of Ranqueillor, Sir John Hamilton of Halcraig, Sir Francis Scot of Thirlestaine, and George Clerk late baillie of Edinburgh, whereof five are to be a quorum (of which the said Patrick Lord Polwarth Lord High Chancellor is always to be one), to be Commissioners of Admiralty in place of Lord High Admiral of the said kingdom of Scotland and isles thereof, comprehending and including therein the Isles of Orkney and Zetland and all other isles belonging to the said kingdom, with full power and authority to the said Commissioners or their quorum foresaid

to exerce all jurisdictions powers or privileges whatsoever belonging or known to belong to the said office of High Admiral, and that as fully and freely in all respects as any High Admiral of Scotland did or might have done at any time preceeding according to the laws of the said kingdom ; and particularly, without prejudice of the generality foresaid, to issue out commissions for ships of war, and to their captains and commanders, and to privateers, as also to direct and give letters of mart when allowed by his Majesty or the Lords of his Privy Council, as likewise to give warrants for convoy ships, and all orders necessary to ships of war and other vessels necessary for cruising upon and securing the coasts and firths, rivers, and other seas and waters of the said kingdom ; with full power and liberty to them and their quorum foresaid to apply the whole profits of the said Admiralty, as well those which formerly pertained to the High Admiral as these which pertain to his Majesty, towards the expenses of the outreiking of the said ships of war and convoys, and for payment of the salaries, fees and wages of those employed by the said Commissioners in the said service, the said Commissioners being always accomptable¹ for the remainder of the said hail profits to his Majesty's Treasury, to be employed by them for building or buying of frigates or men-of-war to be set forth for the defence of the said kingdom in time of war, and to be hired out to merchants for the use of trade in the time of peace, as likewise with power to the said Commissioners or their quorum foresaid to nominate and appoint Judges of the Admiralty accomptable to them, and to grant deputations for that effect, either in general or for particular

¹ Accountable.

coasts, firths and islands as they shall see cause ; and generally without prejudice of the whole premises¹ to do all and sundry other things, which by the custom of this or other kingdoms are known to belong to the office of High Admiral or to Commissioners of Admiralty, consisting always with the laws of the said kingdom ; and lastly his Majesty does hereby revoke all commissions either of High Admiral or of Admiralty granted by him to any person or persons preceding the date hereof, and willing and declaring that these presents are to continue during his Majesty's pleasure and no longer ; and ordains the foresaid commission to be extended in the most ample form with all clauses needful, and to pass the Great Seal aforesaid per saltum without passing any other seal or register, in order whereunto these presents shall be to the directors of his Majesty's Chancellery for writing the same and to the Lord High Chancellor for causing the Seal to be appended thereto a sufficient warrant. Given at his Majesty's Court at Kensington the 7th day of January 1696-7 and of his Majesty's reign the 8th year—

May it please your Majesty &c.

J^A. OGILVIE.

Ibidem.

The King's Letter to the Lords Commissioners of Admiralty for continuing Mr. Archbald Sinclair in the office of Judge of the Admiralty in Scotland.

WILLIAM R.—Right trusty and well beloved councillor &c., we greet you well. We, being

¹ In Scots law this term means the subject matter generally of the deed or document.

willing to prevent any mistake that may arise from our commission to you, have thought fit to signify to you that it was not our intention thereby to prejudge Mr. Archbald Sinclair advocat of the office of Judge of the Admiralty within that our kingdom lately granted and confirmed to him by us ; but that it is our pleasure he should continue to exerce and enjoy the same as freely in all respects as he would have done before our commission to you. And so we bid you heartily farewell. Given at our Court at Kensington the 21st day of January 1696-7 and of our reign the 8th year. By his Majesty's command.

JA. OGILVIE.

Ibidem, Vol. XVII, No. 234.

Warrant for a letter of ratification of the office of Judge Admiral in Scotland to Mr. Robert Forbes,¹ Advocate.

WILLIAM R.—Our Sovereign Lord considering that the Lords Commissioners of the Admiralty of his Majesty's ancient kingdom of Scotland and isles thereof, including the Isles of Orkney and Zetland have, upon the dimission of Sir Archbald Sinclair late Judge of the Admiralty of the said kingdom, nominated and constituted his Highness' lovite Master Robert Forbes of Learnie advocate to be Judge of his Majesty's High Court of Admiralty of his said kingdom, by their commission to him thereanent dated the first day of August one thousand six hundred ninety-nine years ; and his Majesty being well informed and assured of the fidelity, abilities, carefulness and loyalty of the said Mr. Robert

¹ See p. 335.

Forbes, and of his knowledge of maritime affairs and fitness for exercising the said office, ordains a gift and commission to be made and past under his Majesty's Privy Seal in due and competent form not only ratifying approving and confirming, likeas his Majesty by these presents ratifies, approves and confirms the foresaid commission granted to the said Mr. Robert Forbes in the haill heads articles and clauses thereof; but also for the early and constant proofs the said Mr. Robert Forbes has given of his loyalty and affection to his Majesty's person and government and the other good services done and performed by him, his Majesty of his certain knowledge and proper motive of new again nominates constitutes and appoints the said Mr. Robert Forbes, during his Majesty's pleasure only, to be Judge of the said High Court of Admiralty within his foresaid kingdom of Scotland and isles thereof including the Isles of Orkney and Zetland; and his Majesty gives and grants to him the foresaid office [&c. as in the commission to Mr. Archbald Sinclair]. Given at his Majesty's Court at Kensington the 30th day of November 1699, and of his Majesty's reign the eleventh year.

SEAFIELD.

Ibidem, Vol. XIX.

Warrant for a new Commission of Admiralty.

ANNE R.—Our Sovereign Lady considering how much the interest, advancement and security of the trade of her Majesty's ancient kingdom of Scotland doth in these times of war depend upon the right and diligent administration of the office of Admiralty on the said kingdom, whence not

only trade in the many difficulties that attend it, but also the security thereof and the safety of merchant ships will by fitting out and ordaining convoys and ships for defending the coast be the better provided for, and that the said office and trust be committed to those who are sufficiently qualified for exercising thereof; and we being abundantly satisfied that the persons afternamed are fit and qualified for the said office, wherefore her Majesty of her royal prerogative has nominated and constituted, and by these presents nominates and constitutes

Commissioners of the Admiralty in place of Lord High Admiral of her Majesty's said ancient kingdom of Scotland and isles of the same, comprehending the Isles of Orkney and Zetland, and all other pertaining and belonging to the said kingdom, with full power to the saids Commissioners or their quorum foresaid to exercise all jurisdictions, powers and privileges whatsoever belonging or which are known to belong to the said office of High Admiral, and that as fully and freely in every respect as any other High Admiral of Scotland did or might have done any time heretofore according to the laws of the said kingdom, and specially but ¹ prejudice of the generality foresaid to grant commissions for ships of war and their captains and commanders as also to privateers, and to direct and grant letters of mart, when they are approved by her Majesty or the Lords of her Majesty's Privy Council, and to grant warrants for convoy ships and all orders necessary to the ships of war and cruisers for defending and securing the coasts and creeks and all other seas and rivers of this kingdom, with full power and

¹ Without.

liberty to them and their lawful quorum foresaid, to apply all the emoluments of the said Admiralty, as well those which formerly pertained to the High Admiral as these which pertained to her Majesty for defraying the expenses of the said ships of war and convoys, and for payment of these salaries and fees of those to whom the foresaid service is committed by the saids Commissioners, and the saids Commissioners are only to be comptable for the remainder of the saids emoluments to her Majesty's Thesaurry, to be by them applied for building or buying of frigates or ships of war to be set forth for defence of the kingdom in time of war, and let to merchants for the use of trade in time of peace, and sicklike and with power to the said Commissioners or their quorum foresaid to nominate and constitute Judges of the Admiralty, who shall be answerable to them and to grant deputations for that effect, either in general or for particular coasts, creeks and isles as they shall think fit, Hugh Cuninghame continuing clerk as formerly; and generally without prejudice of the haill premises all and sundry other things to do, which by the constitution of this or other kingdoms is known to pertain to the office of High Admiral or Commissioners of the Admiralty, consisting always with the laws of this kingdom, and these presents derogating from all others pretending right to the said Admiralty and to continue during her Majesty's pleasure and to pass the Great Seal per saltum, for doing whereof these presents shall be a sufficient warrant. Given at her Majesty's Court at Windsor Castle the 17th day of July 1703 and of her Majesty's reign the second year.

DAVID NAIRNE.¹

¹ See note on p. 311.

Ibidem.

*Warrant for a Commission to Hugh Cuninghame
to be Principal Clerk to the Admiralty.*

ANNE R.—Our Sovereign Lady considering that his deceast Majesty King William of ever glorious memory by his commission of the date at Kensington the nineteenth day of December one thousand six hundred and ninety-four years nominat, constitut and appointed Hugh Cuninghame, Writer to the Signet, to be principal clerk of the High Court of Admiralty within her Majesty's ancient kingdom of Scotland, and her Majesty considering that the right of Admiralty and of appointing Judges, Clerks, and other officers belongs only to herself as queen, and that the title thereof was only honorary in the person of any other, and being willing to continue the said Hugh Cuninghame in the foresaid office ; therefore our said Sovereign Lady ordains a commission to be past under her Majesty's Privy Seal in due form making, constituting and appointing, likeas her Majesty by these presents makes, constitutes and appoints the said Hugh Cuninghame during principal clerk of her Majesty's said High Court of Admiralty within the said kingdom of Scotland and isles thereof, giving, granting and disposing to him during the space above written the foresaid office with the haill profits, duties, privileges, casualties and emoluments pertaining and belonging thereto ; with power to the said Hugh Cuninghame by himself or his deputes (for whom he shall be answerable) to brook, use and exerce the said office and to intromit with, uplift, receive and dispose upon the haill profits, duties and casualties belonging

thereto, and to do all other things necessary and requisite thereanent, sicklike and as freely in every respect as the deceast John Cuninghame of Enterkine or any other principal clerk of her Majesty's said High Court of Admiralty did or might have done at any time heretofore; and ordains all her Majesty's officers and ministers of state to concur with the said Hugh Cuninghame in maintenance of this her royal gift as only depending upon her Majesty and at her royal disposal, and to withstand any commission granted by any other person of the said office as illegal and usurped until their rights be declared by law. Given at her Majesty's Court at Windsor Castle the 17th day of July 1703, and of her Majesty's reign the second year.

DAVID NAIRNE.

State Papers (Scotland), Series 2, Vol. I, 1688-1706.

Edinburgh. 13th August, 1703.

Our Parliament sat this day and a motion was made that the act for security of the kingdom might be approved and past by the house as it then stood; but it met with opposition till there should be some more amendments made thereto; and a vote was stated whether approve as it now is or delay, and it was carried delay by one voice. They then considered the act of succession made anno 1681 and rescinded it. My Lord Commissioner in some motion made in the house about the Admiralty of Scotland was pleased to make a discourse relative to the subject, which did not relish with my Lord Blantyre, who claims the right of hereditary Admiral of Scotland, deriving his claim from the late Duke of Lennox, insomuch that that noble lord thought fit to

say that, if his Grace my Lord Commissioner's character could be separated from his person, he could say he lies ; whereupon his lordship was sent under a guard and confined in his lodgings, and will have his trial for his words as is believed.¹

The Duke of Argyll is indisposed.

State Papers (Scotland) Warrant Books, Vol. XX.

Warrant for a ratification of the office of Judge of the Admiralty Court to Sir Robert Forbes and Mr. James Grahame, Advocates.

ANNE R.—Our Sovereign Lady for certain weighty considerations ordains a charter to be made and expedite under her Majesty's Great Seal of her ancient kingdom of Scotland ratifying approving and perpetually confirming, likeas her Majesty by these presents ratifies approves and for her and her successors perpetually confirms the gift and commission of the date at London the seventeenth day of February one thousand seven hundred and 3-4 years made and granted by Charles Duke of Lennox and Richmond, then Lord High Admiral of the kingdom of Scotland and isles thereto belonging including the Isles of Orkney and Zetland, who thereby nominated constituted and appointed Sir Robert Forbes and Mr. James Grahame advocates during all the days of their conjunct lifetimes and the longest liver of them two to be Judges of the High Court of Admiralty within the said kingdom and isles thereof including as said is ; and gave and granted to them during the space foresaid the said office with all emoluments whatsoever thereto belonging,

¹ See also *Hume of Crossrig's Diary*, pp. 125-7, who gives a somewhat different account.

with full power to them to affix, hold, affirm and continue courts during the said space, and to do and administer justice therein in all actions and causes civil and criminal competent to be intended before them or either of them as Judges aforesaid conform to the laws and practise of the said kingdom and privilege of the said High Court of Admiralty, acts to make, decreets and sentences to pronounce, and the same to due execution cause be put, and in case of the necessary absence of one or either of them to appoint and substitute deputies for whom he or they shall be answerable conform to the custom and practise of the said Admiralty; and generally all other things belonging to the said office during the space foresaid as fully and freely in all respects and conditions as any other Judge or Judges of the said High Court of Admiralty by the laws and practise of the said kingdom did or might have done at any time heretofore, as the said gift and commission bears in the haill heads articles and clauses of the said gift and commission and after the form and tenor thereof: And her Majesty for her and her royal successors statutes and ordains the said commission to be good and valid and sufficient right to the said Sir Robert Forbes and Mr. James Grahame for their brooking and enjoying their said office during their said lifetimes, and that this present confirmation thereof is and shall be as valid and sufficient to all intents and purposes as if the foresaid gift hereby confirmed were word by word insert herein, although the same be not so done; whereanent and with all defects and imperfections (if any be) of the said gift, and all that can be objected against the same or this ratification thereof, her Majesty for her and her royal successors has dispensed and hereby dispenses

for ever, and promises in the word of princes to ratify these presents in the next or any other session of the current or any subsequent Parliament of Scotland. And her Majesty ordains the said charter to be expedie per saltum under the Great Seal without passing any other seal or register, granting hereby warrant to the director of the Chancellery and keeper of the Great Seal for so expediting the same. Given at her Majesty's Court at St. James's the 5th day of February 1704-5, and of her Majesty's reign the 3rd year.

SEAFIELD.

Ibidem.

Warrant for a ratification of the office of Clerk to the High Court of Admiralty to Dan^l. Hamilton.

ANNE R.—Our Sovereign Lady for certain weighty considerations ordains a charter to be made and expedie under her Majesty's Great Seal of her ancient kingdom of Scotland ratifieing, approving and perpetually confirming, likeas her Majesty by these presents ratifies approves and for her and her successors perpetually confirms the gift and commissions of the date at London the twenty-first of October one thousand seven hundred and two years granted by Charles Duke of Lennox and Richmond, by which he nominated and appointed Master Daniel Hamilton writer in Edinburgh during all the days of his life to be principal clerk of the High Court of Admiralty within the said kingdom and isles thereto belonging, including the Isles of Orkney and Zetland, giving granting and disponing to him during the

space foresaid the said office with all fees, profits, casualties, emoluments, privileges and immunities whatsoever belonging thereto, with power to him during the said space to exercise enjoy and possess the said office and uplift and receive the foresaid haill fees, emoluments, profits and casualties thereof and to apply the same to his own use and to constitute and appoint deputes and substitutes one or more under him in the said office for whom he shall be answerable, and to remove alter and change them from time to time at his pleasure; and generally to do use and exercise all other things concerning the said office, as fully and freely in all respects as any former clerk in the said office did or might have done [according] to the custom and practique of the said Court and laws of the said kingdom, as is more fully exprest in the said gift and commission in the haill heads articles and clauses of the said gift and commission and after the form and tenor thereof: And her Majesty for her and her royal successors statutes and ordains the said commission to be good, valid and sufficient right to the said Daniel Hamilton for his brooking and enjoying the said office during his said lifetime, and that this present confirmation thereof is and shall be as valid and sufficient to all intents and purposes as if the foresaid gift hereby confirmed were word by word insert herein although the same be not so done, whereanent and with all defects and imperfections (if any be) of the said gift, and all that can be objected against the same or this ratification thereof, her Majesty for her and her royal successors has dispensed and hereby dispenses for ever and promises in the word of a princess to ratify these presents in the next or any other

session of the current or any subsequent Parliament of Scotland; and her Majesty ordains the said charter to be expedite per saltum under the Great Seal without passing any other seal or register, granting hereby warrant to the director of the Chancellery and keeper of the Great Seal for so expediting the same. Given at her Majesty's Court at St. James's the 5th day of February 1704-5 and of her Majesty's reign the 3rd year.

SEAFIELD.

Ibidem.

Warrant for a gift of the office of Lord High Admiral of Scotland to Ja. Marquis of Montrose.

ANNE R.—Our Sovereign Lady considering that the office of High Admiral of her ancient kingdom of Scotland and of all the isles thereof, including and comprehending the Isles of Orkney and Zetland, is in her Majesty's hands and at her royal gift and disposal, and her Majesty taking into her consideration the great courage and conduct together with the eminent loyalty and other qualifications requisite for such a trust and office of her right trusty and right well beloved cousin and councillor James Marquis of Montrose, therefore and for several other important causes and considerations her Majesty ordains a letter of gift to be made and past under the Great Seal of her said ancient kingdom nominating making constituting and ordaining, likeas her Majesty by these presents nominates makes constitutes and ordains her said right trusty and right well beloved cousin and councillor James Marquis of Montrose (during her Majesty's pleasure

only) High Admiral of the said kingdom of Scotland and isles thereof, comprehending and including the Isles of Orkney and Zetland, and all other isles belonging to the said kingdom, giving granting and disponing, likeas her Majesty by these presents gives grants and disposes to the said James Marquis of Montrose during the space foresaid the said office of High Admiral with all honours, dignities, jurisdictions, liberties, privileges, immunities, fees, casualties, profits and duties whatsoever belonging or which are or may be known to belong unto the same, with power to the said James Marquis of Montrose during the space foresaid to possess and enjoy the said office with all honours, dignities, jurisdictions, liberties, privileges, profits and casualties whatsoever belonging thereunto, in the same manner and as fully and freely in all respects as any of his predecessors in that office did, or might have done according to the laws of that kingdom; and ordains the said letter to be further extended in the most ample and best form, with all clauses needful, and to pass the said Great Seal per saltum, without passing any other seal or register; for doing whereof these presents shall be to the directors of her Majesty's Chancellery and their deutes for writing the same, and to the Lord High Chancellor for causing the Great Seal to be appended thereunto a sufficient warrant. Given at her Majesty's Court at St. James's the 23rd day of February 1704-5, and of her Majesty's reign the 3rd year.

ROXBURGHE.¹

¹ See note on p. 297.

Ibidem.

Docq^t of y^e Warrant for a Pension of 1000 lib. ster. to y^e Marquis of Montrose as Lord High Admiral of Scotland.

May it please your Majesty.—These contain your Majesty's warrant for a letter to be past under your Majesty's Privy Seal of Scotland giving granting and disponing unto your right trusty and right well beloved cousin and councillor James Marquis of Montrose (with consent of your Treasury and Exchequer) as Lord High Admiral of your said kingdom a yearly pension of one thousand pounds sterling money out of your Majesty's rents and revenues there to be paid to him at two terms in year, Whitsunday and Martinmas by equal portions beginning the first term's payment at the term of Whitsunday next ensuing the date of these presents, and so to continue during your Majesty's pleasure only. Given at her Majesty's Court at St. James's the 23rd of February 1704-5, and of her Majesty's reign the 3rd year.

ROXBURGHE.

Ibidem, Vol. XXI.

7th March, 1706.

Warrant for a Gift of the office of High Admiral of Scotland to the Earl of Wemyss.

ANNE R.—Our Sovereign Lady considering that the office of Lord High Admiral of her ancient kingdom of Scotland and of the isles thereof is in her Majesty's hands and at her royal gift and disposal, and her Majesty taking into consideration the great courage and conduct

together with the eminent loyalty and other qualifications requisite for such a trust and office of her right trusty and well beloved cousin and councillor David Earl of Wemyss, therefore and for several other important causes and considerations her Majesty ordains a letter of gift to be made and past under the Great Seal of her said kingdom nominating making constituting and ordaining, likeas her Majesty by these presents nominates makes constitutes and ordains her said right trusty and well beloved councillor David Earl of Wemyss, during her Majesty's pleasure only, High Admiral of the said kingdom of Scotland and isles thereof (excepting from this commission the Admiralty of Orkney and Zetland, to which the Earl of Morton has right during her Majesty's royal pleasure only) giving granting and disponing, likeas her Majesty by these presents gives grants and disposes to the said David Earl of Wemyss during the space foresaid the said office of High Admiral with all honours, dignities, immunities, liberties, privileges, fees, profits, casualties and duties whatsoever belonging thereunto, in the same manner and as fully and freely in all respects as any of his predecessors in that office did or might have done according to the laws of that kingdom: Declaring always that this commission is without prejudice of any right the Duke of Argyll may have of being Admiral for any part of the said kingdom or isles thereto belonging; and ordains the said letter to be further extended in the most ample and best form with all clauses needful, and to pass the said Great Seal per saltum without passing any other seal or register, for doing whereof these presents shall be to the Director of her Majesty's Chancery for writing the same and to the Lord High Chan-

cellor for causing the Seal to be appended thereto a sufficient warrant. Given at her Majesty's Court at Kensington the 7th day of March 1706, and of her Majesty's reign the 4th year.

MAR.¹

Ibidem, Vol. XXI.

Docq^t. of the Warrant for a pension of 600 lib. st. to the Earl of Wemyss as Lord High Admiral of Scotland.

May it please your Majesty.—These contain your Majesty's warrant for a letter of pension to be made and past under the Privy Seal of your Majesty's ancient kingdom of Scotland (with the consent of the Lords and others Commissioners of your Majesty's Treasury and Exchequer) giving and granting unto David Earl of Wemyss (during your Majesty's pleasure only) a yearly pension of six hundred pounds sterling money as Lord High Admiral of the said kingdom and isles thereof, to be paid at two terms in the year, Whitsunday and Martinmas by equal portions, beginning the first term's payment at Whitsunday next and so to continue yearly and termly thereafter during the space foresaid; and your Majesty commands the Lords Commissioners of your Treasury and all collectors and receivers of your rents, revenues, customs and casualties to readily answer and pay the said pension in manner and during the space above-mentioned. Given at her Majesty's Court at Kensington the 7th day of March 1705-6, and of her Majesty's reign the 4th year.

MAR.

¹ See note on p. 322.

Ibidem, Vol. XXII.

*Warrant for a Commission to the Earl of Morton
to be Admiral of Orkney and Zetland.*

ANNE R.—Our Sovereign Lady for certain weighty and equitable considerations ordains a gift to be past and expedite under her Majesty's Great Seal of her ancient kingdom of Scotland per saltum nominating constituting and appointing, likeas her Majesty by these presents nominates constitutes and appoints her Majesty's right trusty and well beloved cousin and councillor Ja. Earl of Morton, during her Majesty's pleasure only, to be Admiral and Judge of the Admiralty within the earldom of Orkney and lordship of Zetland and haill bounds isles creeks and parts thereof, as well these parts that formerly pertained to the late Bishop of Orkney and his vassals and now to her Majesty as all other places whatsoever within the said earldom and lordship during the space foresaid; and her Majesty hereby gives and grants to the said James Earl of Morton the foresaid office of Admiral and Judge of Admiralty of Orkney and Zetland and haill bounds and isles of the samen¹ with all honours, dignities, pre-eminencies, jurisdictions, liberties and privileges, wrecks, fees, casualties, fines, amerciaments, profits and emoluments whatsoever thereto belonging, with full power and authority to the said Ja. Earl of Morton to make deputes, and to his deputes and substitutes one or mae² to be nominate by him in the foresaid office (for whom he shall be answerable) to set, affix, affirm, hold and continue Admiral Courts within any part or place of the said isles that he

¹ Same.

² More.

shall think fit, and to administer and do justice therein in all actions and causes civil and criminal conform to the laws and practise of this kingdom, acts to make, decreets and sentences to pronounce, and the same to due execution cause be put, and to nominate create and appoint clerks, pror-fiscals,¹ officers, dempsters² and other members of Court needful, and to alter and change them at his pleasure, and generally with power to the said Ja. Earl of Morton to do use and exerce all and sundry other things necessary and requisite in the foresaid office, sicklike and as freely in all respects as any other Admiral of Orkney and Zetland has done at any time heretofore; and last her Majesty does hereby revoke all former commissions of Admiralty granted to any other person preceding the date hereof. Given at her Majesty's Court at Windsor Castle the 12th day of August 1706, and of her Majesty's reign the 5th year.

LOUDOUN.³

¹ The Procurator fiscal is the law officer sometime appointed by the Sheriff and now by the Lord Advocate, at whose instance criminal proceedings in the sheriff courts, &c., are carried on.

² A Scots legal term meaning the executioner of the sentences of any court.

³ See note on p. 324.

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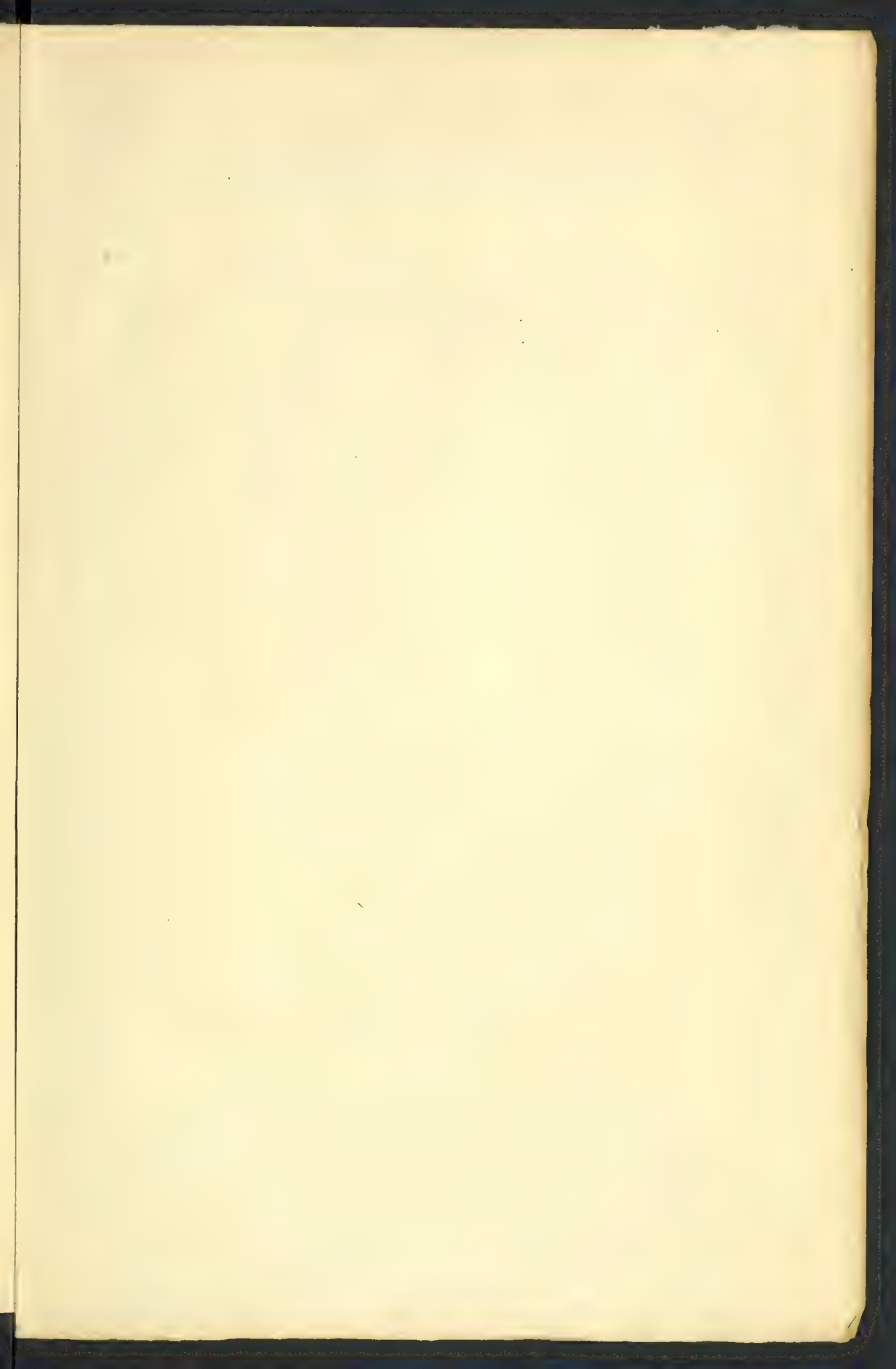
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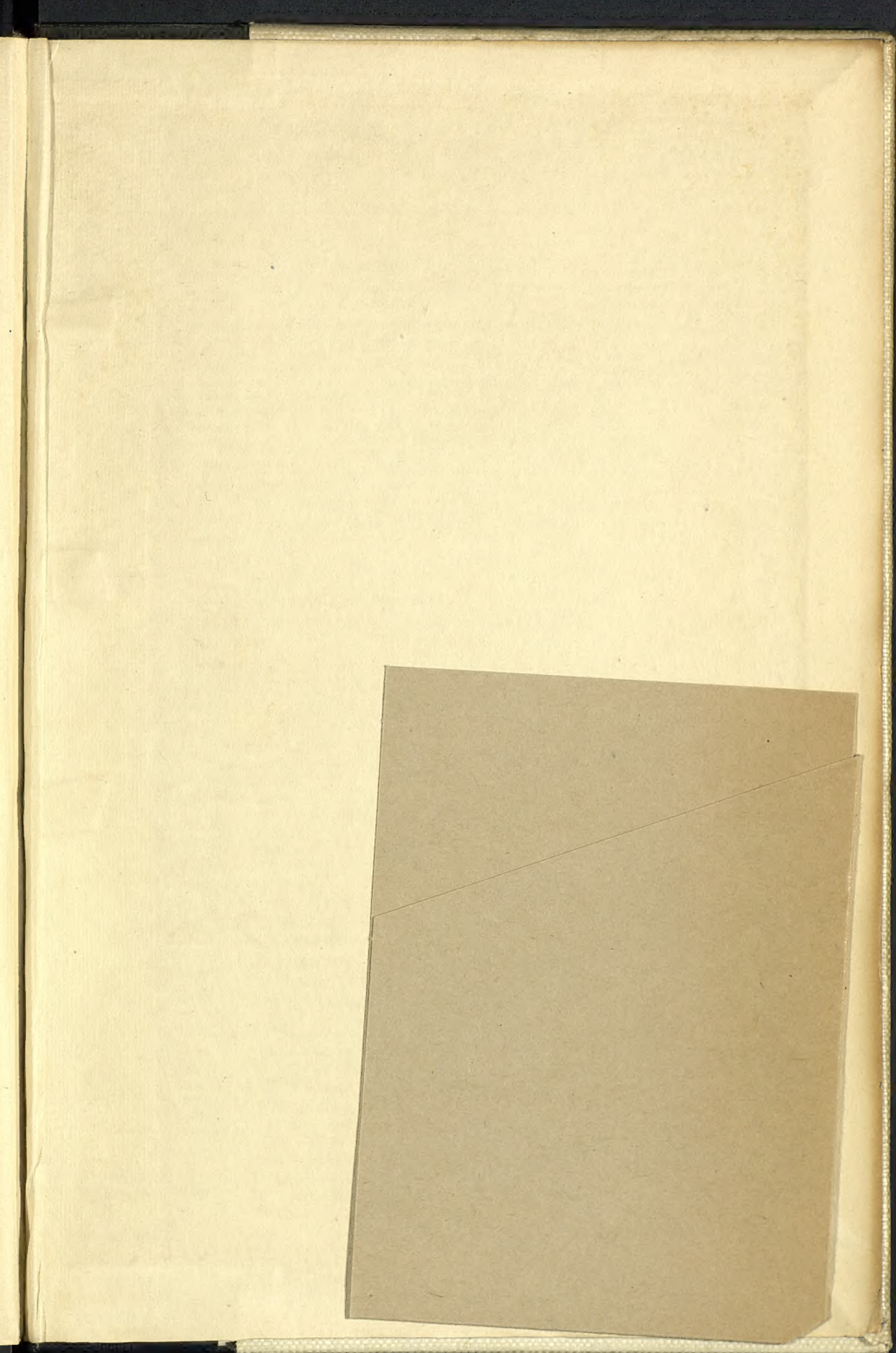


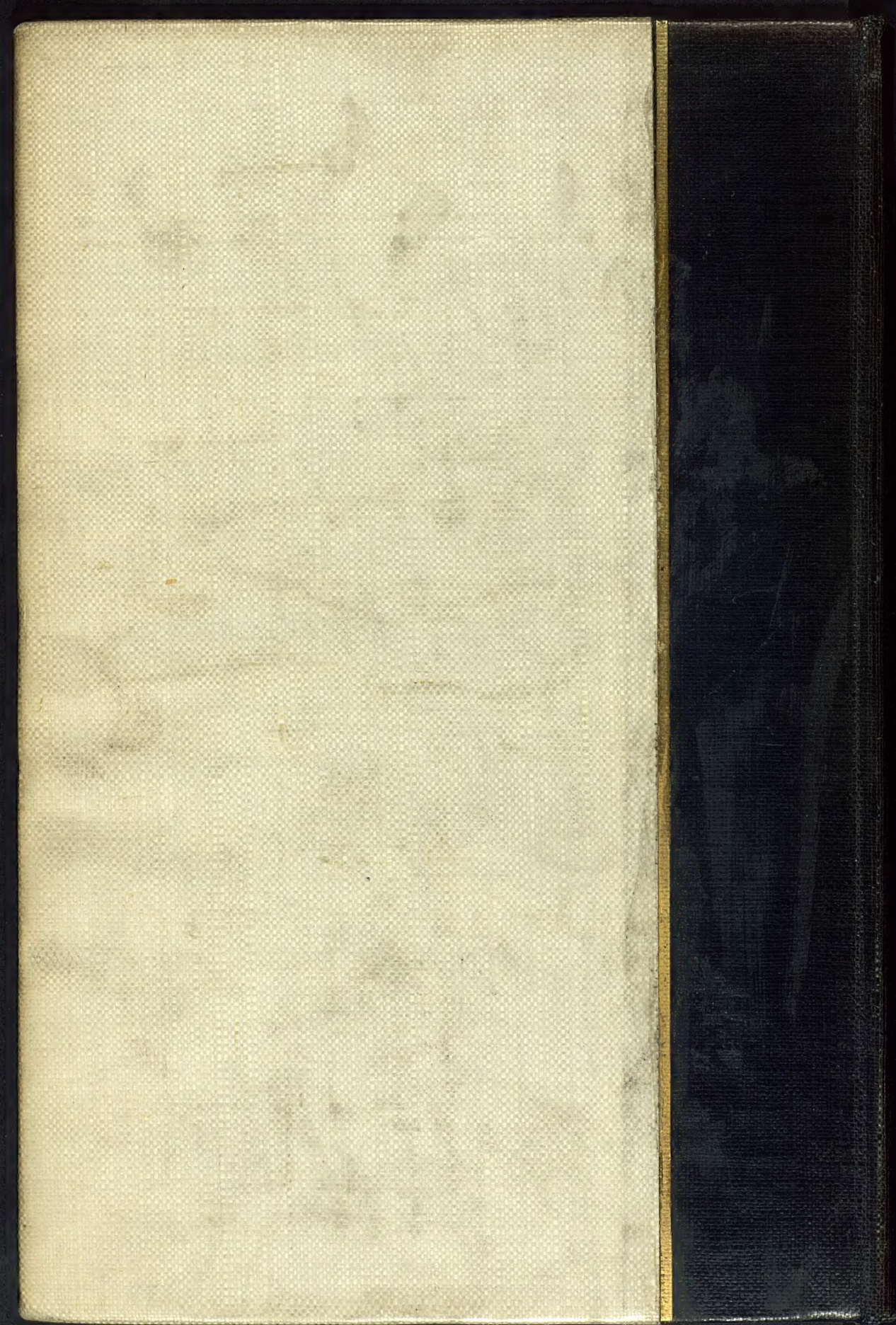
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